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EASTERN INTERIOR REGIONAL ADVISORY COUNCIL
PUBLIC MEETING

VOLUME II

Tanacross Community Hall
Tanacross, Alaska
February 19, 1998

COUNCIL MEMBERS PRESENT:

- Charles P. Miller, Sr., Chairman
- Philip J. Titus, Vice Chairman
- Nathaniel Good, Secretary
- Craig Fleener
- Gerald D. Nicholia
- Lee Titus
- Vince Mathews, Coordinator

P R O C E E D I N G S

(On record)

MR. FLEENER: Are we ready?

MR. DeMATTEO: We're ready.

MR. FLEENER: I make a motion to adopt Proposal 36 as Staff recommends. The amendment states, it says, inclusion of qualified residents in adjacent subunits.....

MR. DeMATTEO: Yeah. Proposal 36 was submitted by the Copper River Native Association which would lengthen the winter portion of the caribou season in Unit 13 from January 5 to March 31st to October 21 to March 31.

This proposal is in reference to the Nelchina Caribou Herd in Unit 13 which would modify the hunting season to include the period October 21 to January 4 and that thereby would duplicate the State season. Now, in the past the Federal Board has modified the season through special action in 1996 and 1997 to provide for the season. But this proposal would pass a season that would put it on the regulatory -- in the book so it would be a regulation. The preliminary Staff conclusion is to support the proposal.

Department of Fish and Game comments are neutral. Although this proposal would make the Federal and State seasons consistent, very little Federal land exists in Unit 13, is good caribou habitat. The Nelchina Caribou Herd is now below the Department management objective, therefore, there is no need for an increased harvest.

CHAIRMAN MILLER: Is there any public comments, any other comments on this proposal?

MR. SAM: What page was that proposal on?

UNIDENTIFIED VOICE: 326 in your book.

MR. P. TITUS: What book do you got? It's Proposal 36.

MR. SAM: Oh, yeah, I got it.

MR. P. TITUS: Okay.

MR. FLEENER: Question.

CHAIRMAN MILLER: Question's been called. All in favor

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1 of Proposal 36 signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN MILLER: Opposed same sign.

6

7 (No opposing responses)

8

9 MR. DeMATTEO: That concludes all the proposals for
10 season changes. The rest that we have are C&T and one RFR to
11 deal with.

12

13 MS. MEEHAN: Which is also a C&T.

14

15 MR. DeMATTEO: Which is also a C&T, correct. So we can
16 either muddle through those or if you have other business that
17 does not deal with proposals, we can switch over to that at
18 this time.

19

20 MS. MEEHAN: In looking at the agenda, if I can make a
21 suggestion, starting with Item #12, which is the Federal
22 Subsistence Fisheries Management Update, we could pick up with
23 that part of the agenda and pick up the next three or four
24 items we have -- the people here to make the presentations and
25 then just go back to the analysis when Vince and Greg show up.

26

27 MR. FLEENER: Do we need a motion to suspend the rules
28 on following the agenda or we're just not going to be that
29 complicated or what?

30

31 MS. MEEHAN: I don't think we need to be that
32 complicated.

33

34 MR. P. TITUS: Yeah, but this is the government.

35

36 MS. MEEHAN: It's up to you.

37

38 MR. P. TITUS: Skip it, we'll just move along.

39

40 MS. MEEHAN: I'll start out the fisheries discussion.

41

42 MR. P. TITUS: What page are you on?

43

44 MS. MEEHAN: Okay, it's behind Tab T in your book.

45

46 MR. P. TITUS: Tab T, thank you.

47

48 MS. MEEHAN: And since everybody had an opportunity to
49 go to the public meeting and listen to Bob Gerhard give the
50 nice prepared speech about what the Proposed Rule does, what

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1 I'd like to do is just briefly touch on what the major changes
2 are. And then if you have any questions about the Proposed
3 Rule or the Environmental Assessment, I'd be glad to try and
4 answer them. There's other people in the room that can help
5 out with that. And then where we'd like to go is talk about
6 ways to -- if the State Legislature does not get it together
7 and pass, you know, setup a Constitutional vote and if Senator
8 Stevens doesn't put another moratorium on it and if we're in
9 the position of December 1st of having to pickup fisheries, can
10 we do it with the rule that we've put in front of you? And if
11 not, what do we need to change on it?

12
13 In other words, if we actually have to start doing this
14 in the next seven or eight months, what do we need to do to
15 make sure it happens correctly? So that's the -- so just a
16 quick overview of the changes to the -- the key provisions of
17 that Proposed Rule. I'll touch on the EA and then try and get
18 this discussion going on about how we can do it if we're indeed
19 in that position. So just to remind you of the key provisions
20 and this is on that first page in your -- behind Tab T. But
21 the major changes in the regulation, as they identify the
22 waters that are going to be effected by the Proposed Rule. And
23 within your region, Region 9, if you look at the maps you've
24 got up in front of you or the one that's up on the wall here,
25 it's basically the waters that cross the colored pieces on that
26 map are the ones that are going to be included, as well as the
27 corporation land holdings, the Native allotments that are
28 within the outer perimeters of a refuge or park boundary. All
29 those waters would be included within the Federal program.

30
31 MR. FLEENER: Excuse me, Rosa, how about Native lands
32 adjacent to.....

33
34 MS. MEEHAN: It's -- if the water was part of the
35 boundary of the refuge or the park it would be. So for
36 instance, the Yukon River, is the boundary for the Koyukuk and
37 Nowitna Refuge, and so all of the Yukon River would be part of
38 it and so any allotments adjacent to the river there.

39
40 Another key provision is the way the rule is written is
41 it recognizes customary and traditional trade and it's written
42 to basically recognize existing practices, but not permit the
43 development of commercial ventures, based -- you know, taking
44 off of existing practices. That is something that the State is
45 keenly concerned about and, in fact, there is -- a few years
46 back there was an attempt to start sale of salmon roe on the
47 Yukon Delta and what happened is there got to be a lot of fish
48 caught just for the roe and the rest of the fish not being
49 used. So there's some careful writing of that particular
50 provision.

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1 Then the basis of the -- the bulk of the rule is it
2 speaks essentially to the seasons and harvests of fish. And
3 those are by and large the State's seasons and harvest, just
4 like the way this terrestrial program was setup nine years, it
5 was taken by adopting the State program and then we've made
6 changes to it over time. The same thing is -- same approach is
7 being proposed for the fisheries. And Craig, I know this is
8 something that you focused on, well, wait a minute, the State
9 part isn't working we ought to look at these and change them,
10 but that is the principal that is being proposed right now, is
11 just to adopt these and look to the establishment of the
12 process to make changes as we go along.

13
14 That's roughly what's in the rule. The environmental
15 assessment which, I think, you should have a -- no, it's not
16 here, on the back table -- it's not in your book, but on the
17 back table there are summaries of the environmental assessment.
18 And just very briefly, since this is a major Federal decision
19 we did have to follow the National Environmental Policy Act and
20 prepare an environmental assessment that asks -- the
21 environmental assessment deals with the question, will this
22 Federal action or Federal decision have a major environmental
23 impact, a significant environmental impact. And basically the
24 preliminary conclusion of that environmental assessment is no,
25 there will not be a major environmental impact and the reason
26 for that is that both the Federal program and the State program
27 have conservation of natural healthy stocks, fish stocks, as a
28 basic premise and the program that we've got proposed relies on
29 cooperation between the State program and the Federal program.

30
31 MR. FLEENER: Have the other managing groups around the
32 State agreed that there won't be a significant impact on the
33 resource?

34
35 MS. MEEHAN: Nobody's weighed in exactly -- answering
36 that specific question. There is concern expressed in some
37 quarters that could best be expressed as you're only doing an
38 environmental assessment and not an environmental impact
39 statement, you know, and it's said that way. And the reason
40 that's brought up is that this is a controversial decision.

41
42 MR. FLEENER: I understand.

43
44 MS. MEEHAN: It's not that there's environmental impact
45 associated with it, it's the controversy.

46
47 MR. FLEENER: Right. I was going to ask that a little
48 bit later, too, because I know in NEPA that one of the
49 requirements to step it up to an EIS is if land managers
50 disagree on management principals, then you need to do an EIS.

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1 MS. MEEHAN: Right.

2

3 MR. FLEENER: I don't know if you've gotten official
4 statements from other agencies on whether -- the EA that you
5 guys did, did it go for review to the other agencies?

6

7 MS. MEEHAN: Yes, it did.

8

9 MR. FLEENER: And did they send back comments saying we
10 don't agree, we think there will be some significant impact or
11 you don't know?

12

13 MS. MEEHAN: It has gone to the other Federal agencies
14 and the Federal agencies have agreed with the environmental
15 assessment. So that's both the Department of the Interior and
16 Department of Agriculture.

17

18 MR. FLEENER: Didn't go to the State though?

19

20 MS. MEEHAN: It's gone to the State, we have not
21 received official comments from the State. And it's part of
22 the.....

23

24 MR. FLEENER: It would be more interesting to hear from
25 them for me because they're the ones presently managing the
26 fisheries.

27

28 MS. MEEHAN: Yeah.

29

30 MR. FLEENER: BLM commenting on it, I don't know -- not
31 that I have anything against BLM, but I'm just saying that I
32 don't know if that would be as valuable because they're not
33 managing all the fisheries in Alaska.

34

35 MS. MEEHAN: Right. I think it seems to be part of the
36 overall politics as it spins out. And so that's just basically
37 where it's at. All of the -- the regulatory aspect of this is
38 very much tracking the politics that are going on. All of the
39 Federal pieces are in place so that if the Legislature doesn't
40 do what they need to do then the Federal program is ready to
41 just go, you know, and start implementing. And this is just
42 part of it. So everybody's waiting to see what the
43 Legislature's going to do.

44

45 MR. P. TITUS: Are you aware that -- that the last few
46 years that the stocks were kind of down? And you talk about
47 conservatively how you're going to manage that, and it's just
48 one stock and they all run in the Yukon River together.

49

50 MS. MEEHAN: The Yukon River, in particular, is.....

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1 MR. P. TITUS: You would deny nobody fishing rights
2 because this one fish is not -- not fish on the spawning
3 grounds?
4

5 MS. MEEHAN: I can't speak to that specific fishery
6 because.....
7

8 MR. P. TITUS: Let's say it was any stocks that was
9 down with the fish, would the fishermen be able to fish?
10

11 MS. MEEHAN: The thing that I think the Federal program
12 will do is look to the management group. Because the Yukon
13 River, in particular, is complex because there are a number of
14 stocks and because there are the up river and down river
15 issues. So particular in that case, since there is a
16 management group that is in place that has had to deal with
17 these really difficult issues, that the Federal program would
18 look to working with that group. Whether they would become a
19 Regional Council for the Yukon drainage or, you know.....
20

21 MR. P. TITUS: That wasn't the question. Would anybody
22 be denied fishing because one set of stocks are not to the
23 historical numbers?
24

25 MS. MEEHAN: I can't answer that specifically
26 because.....
27

28 MR. P. TITUS: Okay. You can't answer it, fine.
29

30 MS. MEEHAN: Yeah. I'm sorry. I just -- that's the
31 process we'd go about to try to come up to an answer though.
32

33 MR. P. TITUS: But you should manage it conservatively
34 so that could be something to consider. My conserving is
35 different than your conserving though.
36

37 MS. DETWILER: I might take a crack at that.
38

39 MS. MEEHAN: Okay.
40

41 MS. DETWILER: And my response would be that under the
42 State -- or under our program we're pretty much going to defer
43 to what the State is currently doing unless subsistence users
44 say that they're subsistence needs are not being met. At that
45 point then we would try to work with the State to address
46 subsistence users needs. But if there's a conservation
47 concern, the first stop is probably going to be at the State to
48 try and concern that.
49

50 MR. MATHEWS: You're on the fisheries. Well, I don't

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1 know why we need to explain why we're late but we'll get to
2 that later. And I don't know exactly where you're at, but I
3 did write down after reviewing your minutes and other
4 conversations I have had with Council members, seven past
5 concerns that this Council has had concerning fisheries. And
6 that doesn't mean you have to do anything with them or not, but
7 I just noted them, so whenever that's convenient I can go over
8 those with you.

9

10 MR. FLEENER: I have another question for Rosa.

11

12 MS. MEEHAN: Um-hum.

13

14 MR. FLEENER: In dealing with all of the workings of
15 taking over the fishery, what has the, whoever, the guy's
16 upstairs, have figured out about the management of the pieces
17 of the river? Are they willing to work cooperatively with the
18 State on this, and if they are, I guess the only real
19 difference is if rural people say there's a subsistence
20 problem, you'll step in; is that what I hear you saying? What
21 have some of the answers been as to how you're going to manage
22 portions of rivers?

23

24 MS. MEEHAN: One of the -- there's a couple of major
25 assumptions and these are big assumptions that we're walking
26 into this with. And one of the assumptions is that there will
27 be full cooperation between the Federal program and the State
28 program. And that the Federal program will try and essentially
29 enhance the State program by providing some additional
30 oversight, and if needed, studies or information gathering on
31 Federal lands. So enhance places where, if the State hasn't
32 had money to put like a counting tower on a Federal river,
33 that's something the Federal program would look at doing. So
34 it would be adding information but it would feed back into the
35 overall State system of in-stream management. Because you've
36 got the within season decision-making and the intention of the
37 Federal program is not to take that over, not to try and do
38 parts of it, but to add information where the State can use it
39 so the State can make -- to a better job of it.

40

41 MR. FLEENER: So the plan then is not to go try to hire
42 a bunch of fish biologists to be new Federal employees or bring
43 some up here so the Federal government can be doing this, but
44 to work through the State system?

45

46 MS. MEEHAN: It actually would involve both pieces
47 because there are areas of the state where we don't have as
48 much information as anybody would like to manage the fisheries.
49 So where those area -- and I guess I would use Park Service
50 lands as an example. An awful lot of the headwaters of major

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1 drainages are on Park Service lands and so I think it's quite
2 likely that the Park Service would look to get a fishery
3 biologist on their parks so that they can develop a better on
4 the ground understanding of those fisheries that could be fed
5 back into the system.

6
7 MR. FLEENER: Couldn't they have done that already with
8 the present system? Because I know I volunteered on the Yukon
9 Flats several years ago to do a float trip with them on several
10 rivers and they had some cooperating sort of agreement with BLM
11 and they worked with BLM and floated some headwaters and get
12 some fishery stuff. So there's an option.

13
14 MS. MEEHAN: Theoretically it could be done, but within
15 any government there's always a priority on what issue is
16 addressed at what time or another. And so if we get into doing
17 fisheries there's clearly going to be a greater emphasis on it
18 and so there's likely -- we hope, will be more money to address
19 fishery issues.

20
21 MR. FLEENER: That was my next question. What do you
22 think the dollar amount is going to be added to the fisheries
23 end of this in Alaska?

24
25 MS. MEEHAN: I think the proposed amount that I've
26 heard most recently is somewhere around 10 million dollars, but
27 that's a real -- it's a bit of a back pocket number, if you
28 will. And it's also very much in the air because it depends
29 very much on the Congressional Delegation putting the money
30 into the budget, you know, whether they do it that way or
31 whether agencies have to reprogram money. In other words, take
32 money away from existing programs to fund this. And -- but I
33 think that's a reasonable ball park, if you will. And that
34 would be money that would go across all the Federal agencies.
35 Is that right, Bob?

36
37 MR. GERHARD: Yeah. And the estimates have been 10
38 million to 18 million dollars, I think.

39
40 MS. MEEHAN: And see the estimates are coming from
41 people here saying, look, this is how much we need to do the
42 program but it hasn't gone through the Washington end of it.
43 So you don't know how much is going to come back with, well, we
44 know how much you'd like but this is how much you're going to
45 get. So -- and that's.....

46
47 MR. FLEENER: So they're probably asking for 30 percent
48 more than they need so they can hopefully get something that
49 they can do a job with?

50

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1 MS. MEEHAN: That could be. All I can say is that they
2 haven't gotten into budget negotiations, but that's the status
3 of where that's at. And as we speak, people are working on
4 budgets.

5
6 MR. NICHOLIA: Is the Federal system going to be
7 willing to work as the State is now to work with, like fishing
8 organizations and stuff that's already setup along the Yukon
9 River?

10
11 MS. MEEHAN: Absolutely. And that's -- as I was sort
12 of very ineffectually trying to answer Philip's question, very
13 much, the Federal program will look to YRFDA and other groups,
14 I know there's group on the Kuskokwim as well, to take
15 advantage of systems that are in place and clearly being very
16 helpful in dealing with these complex fisheries.

17
18 And frankly, you know, looking state wide, the areas
19 that I see as being the most challenging to try and administer
20 are going to be the Yukon River, the Kuskokwim River and the
21 Copper River. And I mean those are the areas where there are
22 significant Federal holdings, you know, reserved water rights.
23 There's complex fisheries that have a tremendous commercial
24 interest as well as a very -- another key component of those
25 fisheries, of course, are the subsistence fisheries. So those
26 are the areas where there's some real potential for conflict.

27
28 MR. NICHOLIA: Then these Proposed Rule that's adopted
29 from the State, would we be able to knock out a few -- like in
30 the subsistence taking definitions -- would we be able to knock
31 out the few stipulations that are still on -- within state
32 grounds -- doesn't really combine them -- so they're not
33 contradictory to each other?

34
35 MS. MEEHAN: There's definitely the opportunity to do
36 that. And this is the time to identify those specific
37 contradictions. That either if we could do it in this setting
38 today or if it's something you can identify and send in to us.
39 That's the information we're really looking for.

40
41 MR. NICHOLIA: See I have a little group in Tanana that
42 feels -- like Tanana and other places -- on Page 66237,
43 paragraph.....

44
45 MS. MEEHAN: I'm sorry, could you give me the page
46 number again?

47
48 MR. NICHOLIA: 66237.

49
50 MS. MEEHAN: Okay.

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1 MR. NICHOLIA: On that first paragraph you go down and
2 you see where it sees fish wheel means a fixed locating device
3 for catching fish which is driven by river current.

4
5 MS. MEEHAN: Um-hum.
6

7 MR. NICHOLIA: And we would like to knock out that
8 other -- other means of power, because that river current, what
9 we believe, is that that's a traditional way and we wouldn't
10 want nobody to come in and move into somebody's fishing spot
11 because there's nobody there or something.

12
13 MS. MEEHAN: Okay.
14

15 MR. NICHOLIA: And on the next page over, because the
16 Tanana area, Rampart and Manley area is having such a hard time
17 -- our commercial has hit rock bottom.

18
19 MS. MEEHAN: Um-hum.
20

21 MR. NICHOLIA: And it says on that middle page where it
22 says new or modified text and number 12 says, subsistence
23 taking fish, their part or their eggs may not be purchased for
24 use as a significant commercial enterprise. That next -- after
25 that it says, personal licensed by the state of Alaska to
26 engage in a fisheries business may not receive for sale or
27 barter to solicit -- or barter subsistence take fish, we want
28 to knock that out of there, too, or that person -- their eggs.
29 The reason for that is some people hold fishing license --
30 commercial license around Tanana and Rampart and they're not --
31 last years, they're not making diddly squat off of that and
32 they are -- they are taking subsistence fish and making strips
33 out of it and stuff. They're not selling it on a commercial
34 basis, they're selling it just to make ends meet. You know,
35 that would be very contradictory to the Tanana area.

36
37 MS. MEEHAN: Okay. The intent of this -- and I think
38 there's a way to accommodate what you've just described, but
39 the intent of this particular paragraph is to -- we want to try
40 and keep commercial enterprises separate from subsistence
41 enterprises.

42
43 MR. NICHOLIA: But the thing is, too, some people in
44 our community they are commercial people and they are the
45 subsistence people at the same time in the families.

46
47 MS. MEEHAN: Right, yes.
48

49 MR. NICHOLIA: And this is very contradictory to what
50 we do, not every family goes out and goes fishing and stuff.

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1 This is what hurt most families in Tanana in a big way and
2 Rampart and stuff.

3

4 MS. MEEHAN: The idea of this is not to prohibit
5 somebody from doing both, commercial and subsistence fishing.
6 The way this is written, it's intended that if somebody goes
7 out and does commercial fishing and they sell their fish
8 through to a buyer and does that, that's fine. Then when the
9 commercial season closes, but the subsistence season is open,
10 that the fish that are caught under the subsistence season are
11 not turned around and sold to the commercial buyers.

12

13 MR. NICHOLIA: That's not what's happening. It's
14 turned around and selling locally to each other, not
15 commercially.

16

17 MS. MEEHAN: And this permits this. The thing that's
18 important in this is that last part of the sentence that says,
19 for resale. The idea is that if something is caught by
20 subsistence and then is sold to your friend next door because
21 they didn't have time to get out and fish or to your aunt in a
22 neighboring village that was unable to go fish, that's okay.
23 And that's what we're trying to, by putting in regulation, make
24 that legal. Under the State system, that's not legal. But
25 what we're trying to identify here is we want to not have a
26 case where.....

27

28 MR. NICHOLIA: Well, if this little part of it could be
29 written in a way so that we won't be unfriendly to fisheries
30 around Tanana and stuff.

31

32 MR. FLEENER: Okay. I don't know, the way it is
33 written it does say that anybody that has a fishing license
34 from the State cannot barter or solicit. So even though --
35 let's say his friend has a State fishing license, he cannot
36 sell according to this.

37

38 MS. MEEHAN: Okay.

39

40 MR. FLEENER: Because it says, anyone with a State
41 license cannot -- may not receive or barter or solicit to
42 barter. So it doesn't say that you're not allowed to do it
43 with your next door neighbor, it says you're not allowed to do
44 it at all.

45

46 So I see the intent and part of that is addressed in
47 the first sentence where it says use in a significant
48 commercial enterprise, but the second statement there says it
49 -- anybody that has a State license cannot receive, resell or
50 barter.

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1 MS. MEEHAN: Yeah, okay.

2
3 MR. SAM: Mr. Chair.

4
5 CHAIRMAN MILLER: Go ahead, Gabe.

6
7 MR. SAM: I think on that paragraph, I think one of the
8 definitions that need to be clarified is what is the definition
9 for significant commercial enterprise, and what would be the
10 definition for that?

11
12 MR. FLEENER: You want to define that?

13
14 MS. MEEHAN: Well, that's one of the most difficult
15 things that we have sort of struggled with. And frankly the
16 discussions on trying to define a significant commercial
17 enterprise have ranged everywhere from trying to identify a
18 monetary limit, like \$10,000; that that would be a significant
19 commercial enterprise. When you pick a number like that it
20 starts to get, well, if \$10,000 is okay, why isn't \$15,000
21 okay. And it gets very -- very controversial just on that. So
22 instead of coming up with a specific number, the principal
23 that's tried to pick up in this is the idea of resale. In other
24 words, if you sell something to an end user, somebody that's
25 actually going to eat it themselves, that's fine. But we're
26 trying -- what the regulations are trying to limit is selling
27 something to Carrs that will then be sold to anybody that walks
28 in the door. That's what they're trying to not have happen.
29 And so -- but we want to recognize that, yes, people do sell
30 things within a village context and within a region context to
31 other people that need the resources and that that provides a
32 -- essentially a minimal cash economy. and that's what we want
33 to recognize and protect.

34
35 CHAIRMAN MILLER: Go ahead.

36
37 MR. GERHARD: Rosa, if I could add too.

38
39 MS. MEEHAN: Please do.

40
41 MR. GERHARD: I think this is one area that there's a
42 realization that we could not define that in these regulations
43 and that it may need regional definitions and that should be
44 worked out with the Regional Councils. Because what's
45 significant commercial enterprise in one region may not be the
46 same in another region. So we thought we'd put the side boards
47 on and then further refine it with assistance of the Regional
48 Councils.

49
50 MR. FLEENER: Well, the only flaw of not having a

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1 definition is you're just opened up for lawsuits in the near
2 future because somebody's going to say, well, it looks like you
3 sold one too many fish, Jack, and then there's going to be
4 lawsuits. That would be the only reason for trying to do it
5 beforehand, but can you really get an answer, that could be
6 impossible. I mean who's going to want to put a number on it,
7 so that's a pretty grey area.

8

9 MR. SAM: There are also different regions involved on
10 different sections of the river. And so I don't know if you
11 have a definition for each, like Y-1 all the way up to Y-6, you
12 know, in between those regions.

13

14 MR. P. TITUS: On Page 66243 on the middle column under
15 C, it says, fisheries used by subsistence fishing, and on the
16 last sentence it says, no fish wheel may have more than two
17 baskets. I'd like to see that removed. Sometimes we use three
18 baskets or put four baskets on their wheel. And if some --
19 some new guy from the Lower 48 came up and he'd see three
20 basket wheels, he'd put my friend in jail for that.

21

22 MR. FLEENER: They got some three basket wheels in Ft.
23 Yukon right now.

24

25 MR. P. TITUS: Yeah, one of my friends uses a three
26 basket wheel on Tanana River.

27

28 MR. P. TITUS: Is that illegal in the State fishing
29 regs.

30

31 MR. DeMATTEO: No.

32

33 MR. P. TITUS: But this says no fish wheel may have
34 more than two baskets?

35

36 MR. FLEENER: How can you have two baskets?

37

38 MR. P. TITUS: The baskets attach to the axle.

39

40 MR. DeMATTEO: That's correct.

41

42 MS. DETWILER: Where's the citation for that?

43

44 MR. P. TITUS: It's Page 66243 in the middle column
45 under C.

46

47 MR. FLEENER: Almost in the middle of the middle
48 column.

49

50 MS. DETWILER: So that's actually under Prince William

00181

1 Sound, but that same probably applies to all of them.

2

3 MR. P. TITUS: So I'd like that part removed.

4

5 MR. MATHEWS: Mr. Chairman, we've gone through this
6 before and it makes it difficult for me, as your coordinator,
7 to know what to do with your comments. I think it would be
8 easier with your comments, once you get them cleared out to
9 make them a Council action. Because I don't know if
10 everybody's agreeing with Nat's position on these different
11 ones. Because when we've used it by consensus before, others
12 have interpreted that as no formal action.

13

14 MR. FLEENER: What is your position on this Nat?

15

16 MR. MATHEWS: So I would, you know.....

17

18 MR. GOOD: Well, this particular one is Prince William
19 Sound.

20

21 MR. MATHEWS:because right now it's being
22 portrayed, Gerald's bringing up one, he's bringing up one, I
23 need to know and everyone needs to know if that's the Council's
24 action or are those still individual actions.

25

26 MR. FLEENER: Before you came in, Rosa asked us to
27 identify some things that we know that are of concern.

28

29 MR. MATHEWS: Yeah, but are they Council action or
30 individual action?

31

32 MS. MEEHAN: Vince, at this point, what I'm interested
33 in hearing from the Council is just comments on the Proposed
34 Rule and how it's working. And it's.....

35

36 MR. MATHEWS: Well, then they're -- I'm still going to
37 argue on that because the way it's been portrayed in the past
38 and I can pull out of this book directly that it was considered
39 no formal action when this Council took, by consensus, action.

40

41 MR. FLEENER: Well, I'll make a motion to remove, no
42 fish wheels may have more than two baskets?

43

44 MR. MATHEWS: You could do it as a lump. You could
45 just say all the ones that we've discussed to this point are
46 Regional Council actions and take a vote.

47

48 MR. NICHOLIA: But we wouldn't want to remove it, we
49 were just talking about that holding fishing licenses, we'd
50 like.....

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1 MR. MATHEWS: Because we've gotten several comments on
2 that fishing license one already.

3
4 MR. FLEENER: There's a motion on the table.

5
6 MR. NICHOLIA: I will second.

7
8 MR. P. TITUS: Is there a second?

9
10 MR. GOOD: Yeah.

11
12 CHAIRMAN MILLER: Okay, question.

13
14 MR. P. TITUS: Discussion.

15
16 MR. FLEENER: The motion is to remove that no fish
17 wheel may have more than two baskets.

18
19 CHAIRMAN MILLER: It's on Page 66.....

20
21 MR. FLEENER: 243 in the center column under C.

22
23 MR. GOOD: Well, the only thing I can see here is that
24 this is under the Prince William Sound area and Yukon is
25 located on 66239, number 3, Yukon area. And I'm kind of going
26 through that trying to find whether there is such a rule there
27 or not.

28
29 MR. MATHEWS: Ft. Yukon area is on Page 239.

30
31 MR. GOOD: Yeah, that's what I said.

32
33 MR. P. TITUS: Under Yukon River it just says fish
34 wheel, it doesn't specify baskets, but on this one it says no
35 more than two baskets.

36
37 MR. FLEENER: I guess we don't have jurisdiction in
38 that area anyway.

39
40 MR. P. TITUS: It is the Federal government.

41
42 MR. GOOD: It's not a river.

43
44 MR. P. TITUS: It's the Federal government thing.

45
46 MR. FLEENER: Well, we don't have jurisdiction in that
47 area.

48
49 MR. GOOD: You don't have that restriction that I can
50 see under here.

00183

1 MR. FLEENER: If you withdraw your second, I'll
2 withdraw my motion because we can't even address it.

3
4 MR. NICHOLIA: I'll withdraw my second.

5
6 MR. GOOD: Here's fish wheels.

7
8 MR. FLEENER: That's not in our area so we can't even
9 address it.

10
11 MR. GOOD: I don't find that limitation on the.....

12
13 MR. FLEENER: What's the limits on here for the Yukon
14 area, are they just splattered.....

15
16 MR. P. TITUS: This is what we'll need.....

17
18 MS. MEEHAN: The only thing that it says about fish
19 wheels.....

20
21 MR. NICHOLIA: I'd like to make a motion that this no
22 two fish wheel basket doesn't carryover to the Tanana, Yukon
23 River and Copper River and the Kuskokwim River area.

24
25 MS. MEEHAN: Okay, that works.

26
27 CHAIRMAN MILLER: Is there a second.

28
29 MR. GOOD: I'll second it.

30
31 CHAIRMAN MILLER: Discussion.

32
33 MR. FLEENER: Question.

34
35 CHAIRMAN MILLER: The question's been called. All in
36 favor of the motion.

37
38 IN UNISON: Aye.

39
40 CHAIRMAN MILLER: Opposed same sign.

41
42 (No opposing responses)

43
44 MR. MATHEWS: And I apologize to make it so rigid but
45 if fisheries does take off, it's going to be very critical.

46
47 MR. FLEENER: It's better to do it by the book than be
48 questioned later on it.

49
50 MR. MATHEWS: And does that apply also to the one that

00184

1 Gerald had that you want the intent on.....

2

3 MR. FLEENER: We haven't had a motion on that yet.

4

5 MR. P. TITUS: Which one is Gerald on?

6

7 MR. NICHOLIA: I make a motion to have this, where it's
8 subsistence taken fish, that that part be rewritten to include
9 that do hold a commercial license to be included in the taking
10 of subsistence fish for their personal use and family, tradeoff
11 and family consumption, and other area relatives be.....

12

13 MR. MATHEWS: It's on the tape, we'll catch all of it,
14 it's on the tape.

15

16 MR. FLEENER: Well, according to.....

17

18 MR. P. TITUS: Permit holder in different areas?

19

20 MR. FLEENER: Hunting license -- I mean a fishing
21 license?

22

23 MR. NICHOLIA: It doesn't matter where a person is,
24 it's just a person that holds a State license would be able to
25 take subsistence fish.

26

27 MR. P. TITUS: Yeah, I know but.....

28

29 MR. MATHEWS: You're just asking for clarification?

30

31 MR. NICHOLIA: Yes.

32

33 MR. MATHEWS: This may be, in reality, your comment --
34 or your recommendation would get a response at some point
35 saying that it's -- this is exactly what it meant. But we've
36 already gotten several calls on this particular one that --
37 people who are licensed read this that they cannot take
38 subsistence fish, and they're saying that that will bust us
39 because of the fact that we go out there and get fish and bring
40 back under subsistence. We can't go back and forth.

41

42 MR. P. TITUS: What I'm concerned about is the Native
43 people that live in rural areas, since they got no commercial
44 season that they sell off their fishing permit to somebody
45 who's in town that's got a good job that could afford to hold
46 on to that commercial license, that's my concern.

47

48 MS. MEEHAN: The thing that -- well, the one thing to
49 remember is that the subsistence regulations are going to apply
50 to rural residents. And so if somebody's living in town, has a

00185

1 town address, by town, I'm supposing you mean Fairbanks or
2 Anchorage or whatever, those are non-rural areas and so they
3 would not be eligible for subsistence seasons for harvest.

4
5 MR. NICHOLIA: What's this saying is a rural person
6 that does hold a State license.....

7
8 MS. MEEHAN: Right.

9
10 MR. NICHOLIA:would be allowed to take
11 subsistence fish.....

12
13 MS. MEEHAN: Yeah.

14
15 MR. NICHOLIA:during the commercial season?

16
17 MS. MEEHAN: The phrase that makes it difficult in here
18 is the phrase that says, or barter or solicit to barter. That
19 phrase makes it complicated. If you leave it limited to may
20 not receive for resale, then that makes it clear that the fish
21 is not to be bought and then sold on. And that's -- which is
22 what we want. So I've got that phrase flagged and see if we
23 can work on getting that rewritten.

24
25 CHAIRMAN MILLER: Yeah, Gabe.

26
27 MR. SAM: There's a way around that and I think there's
28 a real problem with it. By claiming residency, do you mean for
29 your voter registration is? I mean you could say I'm voting
30 from Huslia and I'm claiming that as my residency but I'm
31 living in Fairbanks, you know. Does that -- isn't that what it
32 is?

33
34 MR. GERHARD: Determining residency can be very
35 difficult. But there are mechanisms of defining where your
36 residence really is. And if somebody chooses to challenge it
37 by claiming residency some place or even by opening up a post
38 office box, that still doesn't mean they live there.

39
40 MR. SAM: I mean if your voter registration is like in
41 Huslia, rural Alaska.....

42
43 MS. DETWILER: In the regulations there are several
44 factors that are used to determine residency and I'll just go
45 through them here. Wherever your primary permanent home is.
46 Let's see, your address listed on your driver's license. Your
47 hunting and fishing license. You can have affidavit from
48 someone who knows where you live. Your voter registration.
49 Location of the land the residence -- or location of the
50 residences you own. Location of where your household goods are

00186

1 stored. Residences of your spouse, minor children, dependents,
2 your tax documents and so on.

3

4 MR. NICHOLIA: I think we went off the path here. We
5 were just trying to get this rewritten so it would allow
6 commercial -- a person holding a commercial license to be able
7 to take subsistence fish for their family and their neighbors,
8 not for commercial enterprise.

9

10 MS. MEEHAN: Right.

11

12 MR. NICHOLIA: It doesn't matter where the residency is
13 at, we're just going off the path here.

14

15 MR. FLEENER: Question.

16

17 CHAIRMAN MILLER: Okay, the question's been called.
18 All those in favor signify by saying aye.

19

20 IN UNISON: Aye.

21

22 CHAIRMAN MILLER: Opposed same sign.

23

24 (No opposing responses)

25

26 CHAIRMAN MILLER: Motion carries.

27

28 MR. MATHEWS: Okay. The ones that I remembered from
29 the subcommittee and your minutes, and again, I'm just going by
30 notes, this is not to intend you to make a motion or take any
31 action or whatever. My understanding of the Proposed Rule is
32 that subparts A, B, C and D is open for comments. You have
33 talked extensively in your annual reports and in the past day
34 about your concerns about how C&T's are done. My understanding
35 is that this Proposed Rule is open, the C&T structure is there.
36 So you could put in, I know it's redundant, but you could put
37 in under this Proposed Rule that you would like to have C&T's
38 done by area or regions. That was one.

39

40 At other meetings you've talked about concern about how
41 harvest quotas could be used instead of fishing, harvest --
42 instead of individual limits. That there would be community or
43 harvest quotas done. The third one is there's been
44 discussion about traditional practices that are not in
45 regulations, which would be interpreted that they're illegal.
46 That would be the use of traps and weirs.

47

48 You've discussed extensively about the need for
49 increased linkage for tribes and villages. A and B only talks
50 about linkages with local advisory committees. You have talked

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1 quite a bit about customary trade. And I only got two more and
2 then I can go back if you need further clarifications on each
3 one. There has been discussion about harvest reporting
4 concerns and about using different methods to do that. The
5 whole program is open, to my understanding, so it's open for
6 suggestions on that. And seven, the last one is there's been
7 concern by individual members that the strength of the program
8 is how close the management decisions are to the users. In
9 specific reference, the extension of jurisdiction beyond
10 Federal land still resides with the Secretary of Interior. And
11 several individual Council members have expressed to me that
12 maybe that's not the best way to go, maybe that should be
13 delegated to the Federal Board.

14
15 All of these that I've mentioned here, I'm not
16 indicating you should take action and I'm also not indicating
17 that the Board will -- or the process will accept these
18 favorably, but those are the seven that I noted based on
19 minutes and other conversations.

20
21 MR. FLEENER: So are you saying if we wanted something
22 included this is the time to bring it up, like one of the
23 things we're dealing with is the regional C&T?

24
25 MR. MATHEWS: Well, I would have to ask Rosa on that,
26 but I'm pretty sure that would be the case since this is wide
27 open, A, B, C and D.

28
29 MS. DETWILER: Well, I guess my response to that is
30 that the Board -- the purpose of issuing this Proposed Rule was
31 to take comments on fisheries. Just to make whatever changes
32 needed to be done to get the program going next year. And
33 fishery regs are sprinkled throughout the entire regulations,
34 and so they decided that the best way to solicit those comments
35 was to issue the entire regulations as a Proposed Rule. But
36 what they want to focus on is fisheries. And you can make
37 comments and recommendations on whatever you want, that's your
38 prerogative to. You know, if you feel strongly enough that you
39 want to address all those issues in this comment period on the
40 Proposed Rule, you can do that, but I think the Board's
41 thinking is that it only wants to focus on the changes that
42 need to need to be made to fisheries for the next year.

43
44 MR. FLEENER: So like regional C&T, if we made a motion
45 today on regional C&T, that wouldn't happen?

46
47 MS. DETWILER: The chances are slim that they would
48 take action on it as part of this Proposed Rule.

49
50 MR. FLEENER: And we'd have an opportunity in the near

00188

1 future to go back and address these issues? Of course we can
2 address them anytime we want, but I mean I'm just saying.....

3
4 MS. DETWILER: Right.

5
6 MR. FLEENER:is there going to be a specific
7 opportunity that we're going to get into fisheries on a deep
8 level again where we can -- where it would be easy to bring
9 these issues up again?

10
11 MS. MEEHAN: Well, there's other -- specifically to
12 deal with the regional C&T's, you know, we did talk about that
13 quite a bit yesterday and a more effective place to bring it
14 up, I believe, is the joint Board/Chair session. Because
15 that's a forum where the Board is specifically looking at
16 what's looking, what's not working with the program that we
17 have right now. And so that's the time to bring up that type
18 of an issue.

19
20 With the fisheries, it's -- trying to get into
21 fisheries, and I know you appreciate this is incredibly
22 complicated and there's a lot going on. So when you're talking
23 about fisheries, the focus, just by necessity is going to be on
24 fisheries and what do we need to do to get fisheries working.
25 So it's just a matter of picking where you can be most
26 effective to address the issues that are important to
27 yourselves.

28
29 MR. MATHEWS: Mr. Chairman, I have to ask a question of
30 Staff. In the past when we talked about changes in C&T, the
31 response that was given to me that would require a change in A
32 and B, the C&T process. So are we saying to the Council that
33 once fisheries happen, that we will open up A and B?

34
35 MS. MEEHAN: Vince, and all you folks, there's -- who
36 knows?

37
38 MR. MATHEWS: Well, then I would advise the Council
39 then to take your opportunity at the moment because there's not
40 a clear answer when you'll have another opportunity to do it.

41
42 MR. FLEENER: A and B is open for manipulation now but
43 it may not be open again in the future?

44
45 MS. MEEHAN: I don't think you can say that. I mean we
46 just don't know when it will. And I'm not sure it's a fair
47 characterization to say A and B is open in the sense --
48 well.....

49
50 MS. DETWILER: Yeah, I guess I would say that there are

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1 some other issues, regulatory changes for A and B that have
2 come up, but the Board decided not to make those proposed
3 changes because they wanted to deal specifically with
4 fisheries. And so there's -- aside from fisheries, there are
5 some other changes in subparts A and B that the Board has on
6 its back burner. And after -- once we know what's going to
7 happen after December, they may decide that they need to
8 address those remaining issues.

9
10 MR. NICHOLIA: It's not going to just be put in our
11 hands where we wouldn't have a say, would it?

12
13 MS. DETWILER: I don't know. I mean if they're going
14 to make Federal changes, they have to consult with the
15 Councils.

16
17 MS. MEEHAN: Absolutely. And to characterize the other
18 issues hanging around on subparts A and B, I mean these
19 regulations have been in place now for about nine years. And
20 as you can expect, after you do something for nine years you
21 get a better sense of what works and what doesn't work and
22 where all the glitches are. Well, there are folks that like
23 regulations and have been keeping a log book of all the
24 glitches in A and B, and a current markup of A and B that
25 catches all these glitches is pretty impressive with a lot of,
26 you know, red lines and subsisted text. And that's something
27 that is in existence. It is something that there are a lot of
28 people interested in seeing that -- seeing those changes and
29 C&T is part of that. Get addressed and get looked at and kind
30 of clean all this stuff up. But when the Board sat down and
31 looked at trying to deal with fisheries and deal with all these
32 other changes and other issues, it became such a complex mess
33 that the Board made a conscious decision to let's focus on
34 fisheries, let's do what we need to do for fisheries so we can
35 get that program launched. Once that's launched, then people
36 will have a chance to sit back and look at these other things.
37 So that's the thinking of the Board, where they're at with
38 this.

39
40 And, you know, it's not to say don't do it, but I'm
41 just -- just to give you a setting of where they're coming
42 from.

43
44 MR. FLEENER: It seems to me that based on your
45 statements, that I would need more -- at least with the C&T
46 thing, to make a change now because look at all the trouble we
47 have at every single meeting with C&T determinations. I mean
48 not that it's trouble, but I mean there's a lot of work going
49 into it every meeting. And if we're going to have to go
50 through this again to deal with fisheries, it's going to be a

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1 real headache, more work for everyone. If we address it -- and
2 also think about how long it's taken us to get to this point,
3 where we are finally doing it.

4

5 MS. MEEHAN: Um-hum.

6

7 MR. FLEENER: I've talked about it for the last three
8 to four meetings. And if we bring it up next year to the
9 Board, will it be another year or another two years after that
10 that they say, okay, these people are really serious. But if
11 we bring it up now, even if they overlook it now, at least,
12 they'll know we're serious and we can bring it up again. And
13 we can put it in our report and we can bring it up at Chair
14 meetings. So at least with the C&T determinations, because of
15 all the work it causes us, I would lean towards doing it now
16 myself.

17

18 MS. MEEHAN: Okay. It's up to you.

19

20 MR. MATHEWS: And not to belabor the point, but
21 presently in our regulations with are in the Proposed Rule, a
22 no determination means that all Alaskan residents who are
23 residents of rural areas or communities are eligible to
24 participate, correct? That's our definition. We've adopted
25 all the State regs into the definition. When you apply the
26 State C&T to fisheries, their regulation is is that -- if I can
27 find it here -- that there are no customary and traditional
28 uses allowed unless it's been declared that there is a
29 customary and traditional use.

30

31 So their no determination is no subsistence.

32

33 MR. FLEENER: Which basically means?

34

35 MR. MATHEWS: Which basically means that if we apply
36 our definition that all rural Alaskans qualify for fish -- I'm
37 losing it, but what I'm trying to say is, is theirs is closed,
38 ours wide open. We're applying that definition across, which
39 is fine. But I also understand that that might have been a
40 mistake in the Proposed Rule, so I don't know.

41

42 Let me read what the State has to give you as an
43 example because I'm -- it says -- well, basically, let's see,
44 regarding fin fish, other than salmon, rainbow, trout,
45 steelhead, Alaska State statute, et cetera, allows for fish
46 stock to be only taken for subsistence if the Board of Fishery
47 has identified a customary and traditional use of that fish
48 stock. So it's only open to subsistence use if it's been
49 identified under State. On ours, we've identified, I think,
50 most of the species, but I think there are some that are not.

00191

1 So no determination would be -- would open that up wider under
2 our Proposed Rule. So that's why I brought up the C&T issue,
3 because that -- we -- under wildlife we have it, all Alaska.
4 I'm not sure that was thought out when we went to fisheries.

5

6 MR. FLEENER: So what would be the appropriate wording
7 for us to try to get something like this incorporated into
8 parts A and B or whatever that's going to effect.....

9

10 MR. MATHEWS: Well, I think that's why I'm mentioning
11 your whole C&T thing, because I that would be a position to say
12 that you want it done on a larger scale and that you want that.
13 And that you would understand that no determination means all
14 Alaskans.

15

16 MS. MEEHAN: It might be a little more specific if you
17 look back at Page 66235, which lists the C&T determinations for
18 the Yukon area and the Kuskokwim area -- the Kuskokwim's not
19 yours, but has the Yukon area. For some reason I can't
20 find....

21

22 MR. FLEENER: 235, that's the way it sounds, Aknik (ph)
23 and Foot Lake.

24

25 MS. MEEHAN: The Yukon's up on the top and so the.....

26

27 MR. FLEENER: Oh, okay.

28

29 MS. MEEHAN:Yukon area, salmon is residents of
30 the Yukon area, that's the whole Yukon drainage. And same with
31 Yukon River fall chum salmon, and fresh water specie. It has
32 all the fresh water species listed. It's residents of the
33 Yukon area. So that's the sort of aspect to check and make
34 sure, see if the species that are of importance, the species
35 that are used are included with these C&T determinations.

36

37 MR. FLEENER: So basically they have made a global C&T
38 for the Yukon area?

39

40 MS. MEEHAN: Yes.

41

42 MR. FLEENER: Now, does the Yukon area just mean the
43 Yukon River or does it mean.....

44

45 MS. MEEHAN: It's the drainage.

46

47 MR. FLEENER: The entire drainage?

48

49 MS. MEEHAN: Yeah.

50

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1 MR. MATHEWS: But as an example, if you look down
2 further for the Kuskokwim area, there's no -- many fresh water
3 fish are not there so you would qualify the fish there.

4
5 MR. FLEENER: So you're saying anybody could qualify
6 fish there?

7
8 MR. MATHEWS: If it's not listed there, it's a no
9 determination.

10
11 MR. FLEENER: Because anybody.....

12
13 MR. MATHEWS: Correct. I'm not trying to belabor the
14 point, I'm just trying to bring up that my advice to you, as
15 your coordinator, is to take the opportunity now realizing that
16 no changes possibly would really happen, but you would have
17 yourself positioned and ready to go that if there is an
18 opportunity and acceptance by the Board -- meaning if there's
19 acceptance by the Board then you'd have it, if not, at future
20 times you're already positioned, you're ready to go.

21
22 MR. L. TITUS: Mr. Chairman.

23
24 CHAIRMAN MILLER: Yeah, Lee.

25
26 MR. L. TITUS: My understanding of the Proposed Rule is
27 that -- I mean I understand that there is a time for public
28 comments and making changes to the Proposed Rule. And I still
29 believe that it will be so even after the Proposed Rule is
30 final, if the Regional Councils had a specific proposal that's
31 -- that would clarify land which in the final rule, I believe
32 there's a way that we can work on certain sections of the final
33 rule by Council action or regional action or whatever, if we
34 were to propose a change?

35
36 MS. MEEHAN: That's true, yes. Just the way the
37 process is setup, right now this rule is out for public review
38 and comment and that period is open until April 22nd. So
39 anybody can comment on this.

40
41 UNIDENTIFIED VOICE: April 20th.

42
43 MS. MEEHAN: April 20th, I was close. Anyway, people
44 can comment on it on up through April. It's -- then everything
45 kind of goes in a holding pattern, if you will, to wait and see
46 what the State does. And if during that time the Council
47 chooses to submit more information, there's a possibility to
48 incorporate it. There will come a time in the fall when the
49 thing will have to be sent to the Federal Register and then
50 what comes out published in the Federal Register, around

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1 December 1st, if the State doesn't act, then that's going to be
2 the final rule. That will start the process for fisheries just
3 like what we do right now with terrestrial species. That
4 there's a rule, anybody can submit a proposed change to it, the
5 Council will review it, make recommendation on it, the Board
6 will act. So it's a very active process to continue to refine
7 the rule, addressing new and different issues as they come up.
8 So it's a living rule, if you will. And so if something's not
9 right now, you have a chance to make a suggested change now,
10 you have a chance to make a suggested change up until April.
11 And then when the thing goes final, then it gets into this
12 process of constant review and update.

13

14 MR. MATHEWS: But that's only for seasons and harvest
15 limits. I don't like to debate with fellow Staff, but A and B
16 would not be open.

17

18 CHAIRMAN MILLER: Hey, Vince, what would it take to get
19 something written up to express our concerns and.....

20

21 MR. MATHEWS: Just the way you've been going along with
22 motions is all that's needed.

23

24 CHAIRMAN MILLER: That's all we need is just a motion?

25

26 MR. FLEENER: Yeah. I would tend to agree with Vince
27 because once something -- once a -- I mean this is going to be
28 law, right?

29

30 MS. MEEHAN: Yeah, the same way our existing
31 regulations are, yeah.

32

33 MR. FLEENER: Right. Once something gets put into law
34 it sure is darn hard to change it. I mean it seems like it's a
35 lot harder and there are things that you can change, but it's
36 real hard to change certain aspects of it. And I'm just
37 wondering if it would be hard -- now, I mean my concerns really
38 would be addressed because just looking at this Yukon area,
39 which is basically, for the most part, what I would be
40 concerned with in the Ft. Yukon area would be addressed.

41

42 MS. MEEHAN: Um-hum.

43

44 MR. FLEENER: But that still doesn't mean that regional
45 C&T is covered for all areas of Region 9. And this is just
46 talking about the Yukon area here. And I'm not looking at the
47 other areas because I don't know them as well, but I'm still
48 real interested in and want to make absolutely sure that we go
49 with the regional C&T determinations in all areas for Region 9.
50 If we just look at the Yukon area, it looks like our stuff is

00194

1 covered. It says fresh water species, that means everything.
2 Salmon, that means all salmon. I mean so that seems to cover
3 everything for us.

4
5 MS. MEEHAN: Yeah.
6

7 MR. FLEENER: But I don't know about places down here.
8 Maybe the other people that are from here should check into
9 that. Because if we don't handle it now, we're going to have
10 to deal with it in the future. And if we can do it now and
11 pass a motion in 10 minutes and be done with it, we won't have
12 to bring it back up time and time again in the future. And I
13 mean it's possible that it might not get changed. I mean you
14 say there's a possibility that it can be but that means there's
15 a possibility that it might not be.

16
17 MS. MEEHAN: The C and D parts are going to come up
18 annually. The C&T determinations and the season and harvest
19 determinations. But we've already covered the ground that if
20 you want to make a motion on the C&T process, that that's your
21 prerogative to do and just go for it.

22
23 CHAIRMAN MILLER: Do you want to make a motion?
24

25 MR. FLEENER: Well, my actually is actually covered.
26 If the other Council members have checked out their areas and
27 see no problems.

28
29 CHAIRMAN MILLER: Well, that was their comments they
30 had, too the other -- their concerns.

31
32 MR. FLEENER: The other concerns that we have been
33 making throughout the years.

34
35 CHAIRMAN MILLER: We should go ahead and get them all
36 in now while we've got a chance.

37
38 MR. FLEENER: Well, I don't even know how the other
39 ones would apply. The one that I've always been concerned
40 about is harvest recording and how the harvest recording has
41 been poor from communities and we haven't been able to get
42 sound management decisions. If we based it on harvest
43 reporting then -- and I always thought that harvest reporting,
44 it would be nice if we could work it through local communities
45 or at least regionalize local communities. But I don't know,
46 would this be the time to address an issue like that?

47
48 MS. MEEHAN: Harvest reporting is something -- it's not
49 done through the regulations.

50

00195

1 MR. FLEENER: Right.

2

3 MS. MEEHAN: And so what we've done that has worked
4 very well within the terrestrial program are things like the
5 cooperative agreement that George has been involved in working
6 with CATG.

7

8 MR. FLEENER: That wasn't really -- I don't think that
9 was specifically designed to be harvest reporting, wasn't that
10 more to get -- to find C&T information. Wasn't that the.....

11

12 MR. SHERROD: It was also harvest reporting.

13

14 MR. FLEENER: I realize that, I was doing the harvest
15 reporting. But what I'm basically saying is the main
16 information that you guys were looking for was C&T information,
17 wasn't it?

18

19 MR. SHERROD: No, I think they're equal.

20

21 MR. FLEENER: You think they're equal?

22

23 MR. SHERROD: Um-hum.

24

25 MR. FLEENER: Okay.

26

27 MR. SHERROD: In fact, we've used the harvest data far
28 more than.....

29

30 MR. FLEENER: I know we have used it and I think it's
31 been more of a benefit than people thought it would be. But I
32 think that my impression was that it was mostly for C&T
33 information. Anyways that doesn't matter.

34

35 MS. MEEHAN: Craig, where that fits in is, you know,
36 you were asking earlier, well, would the Federal government
37 hire more fisheries biologists, what would they specifically
38 do? That's the kind of issue that we would address through
39 additional Staff, additional monies, is to look at ways to more
40 effectively gather information. And I just mentioned this
41 project because it's one in your area and it's one -- that's
42 the type of thing we'd be looking to do.

43

44 MR. FLEENER: Yeah.

45

46 MS. MEEHAN: And very much looking for cooperative
47 agreements with local tribal entities.

48

49 MR. FLEENER: So a motion from our Council to say that
50 the Board of Fish should pursue that -- or excuse me.

00196

1 MS. MEEHAN: It's the Federal Board.

2

3 MR. FLEENER: Whoever they are should pursue that would
4 be good because then they would know we're interested in that
5 area?

6

7 MS. MEEHAN: Yes.

8

9 MR. FLEENER: Okay, well, I'll make a motion that the
10 Federal Subsistence Board pursue working with local
11 communities, possibly, especially regionalized local groups to
12 do harvest data collection.

13

14 MR. NICHOLIA: I will second.

15

16 MR. FLEENER: It seems that everyone's been satisfied
17 with the work, at least, preliminarily, the numbers that have
18 come out of some of these 809 agreements.

19

20 MS. MEEHAN: Yeah.

21

22 MR. FLEENER: And if they're managed well, they could
23 really go a long ways.

24

25 MS. MEEHAN: Yes. Yeah, that's 809, I couldn't think
26 of what those were called. But, yes, that's what we'd be
27 looking to do.

28

29 MR. P. TITUS: Didn't you agree to this at the first
30 meeting, to discuss fisheries?

31

32 MS. MEEHAN: No, it's not the first meeting. This is
33 the first Council meeting where we've discussed it. And
34 there's another Council meeting going on right now, Northwest
35 is probably discussing it now as well. But we -- we've
36 discussed these proposed regulations in a number of -- that's
37 what's being discussed at these public meetings that are going
38 on right now, as well, as we have had this in front of this
39 Council at last fall's meeting.

40

41 MR. P. TITUS: I'd like to see an organization like
42 YRFDA to deal with these issues instead of three separate
43 Councils submitting proposals that would get nowhere.

44

45 MS. MEEHAN: Taylor Brelsford went out to the most
46 recent YRFDA meeting and did talk about this.

47

48 MR. P. TITUS: I know, I jumped on his case because he
49 was a Fed guy.

50

00197

1 MR. MATHEWS: I can validate that.

2
3 MS. MEEHAN: That wasn't nice.

4
5 MR. P. TITUS: Well, I told him three of our members,
6 salmon did go in their areas and he said three was not a
7 majority of the Council, but as you noticed yesterday and
8 today, that three is a majority of our Council because we just
9 have five for a quorum. If we had a meeting like that and we
10 discussed fishing issues that would involve people down the
11 river, it's -- it'd be right. That's one point I was trying to
12 get across to him but he didn't grasp it, I guess.

13
14 MS. MEEHAN: Um-hum.

15
16 MR. P. TITUS: He just assumed that everybody would be
17 at our meeting, all nine members.

18
19 MR. MATHEWS: Philip, I think probably later in the
20 fisheries thing you attended there and I've encouraged you to
21 share what happened at the YRFDA meeting. In particular, the
22 resolution that they are working on requesting an 11th Regional
23 Council.

24
25 MR. P. TITUS: Yeah.

26
27 MR. MATHEWS: So you may want to after we go through
28 this, perhaps, brief the full Council on YRFDA because you play
29 a key linkage between the two groups; Ginnis and you.

30
31 MS. DETWILER: I didn't get a second for the motion?

32
33 MR. NICHOLIA: I did.

34
35 MS. DETWILER: Do we have a motion on the C&T stuff?

36
37 MR. FLEENER: I was going to say something, but I
38 forgot.

39
40 MS. MEEHAN: Well, just to remind you of one of the
41 issues that sort of got dropped is you have not made a motion
42 about the C&T and C&T process. So if you wanted to pursue
43 that.

44
45 MR. FLEENER: Right. I was giving the other members an
46 opportunity to look at their areas and see.....

47
48 MR. MATHEWS: Well, you do have a motion on the table.

49
50 MR. FLEENER:you know, the harvests. We still

00198

1 have a motion for the harvest reporting. I have a really
2 important question but I don't know where it went. I know what
3 I was going to say.

4
5 It seems like part of the problem is that with harvest
6 data reporting, the Federal government has never been able to
7 get good reporting. The State gets a little bit better, but
8 still doesn't get everything in. When they work cooperatively
9 with local people, this would be a great opportunity for a
10 cooperative effort which I would hope that we're all striving
11 for.

12
13 MS. MEEHAN: Um-hum.

14
15 MR. FLEENER: And this would be, not only good for
16 cooperation, but it would be good for the animals involved
17 because we'll be getting better reporting.

18
19 MS. MEEHAN: Yeah.

20
21 MR. FLEENER: So I'd always support data collection --
22 localized data collection especially when you have a hard time
23 getting any.

24
25 MS. MEEHAN: Um-hum.

26
27 MR. FLEENER: Question.

28
29 CHAIRMAN MILLER: Question's been called.

30
31 MR. P. TITUS: What's the motion?

32
33 CHAIRMAN MILLER: What's the motion?

34
35 MR. P. TITUS: Harvest gathering reporting?

36
37 MR. FLEENER: Yeah. That the board look at doing
38 harvest data collection on the local level.

39
40 CHAIRMAN MILLER: All in favor.

41
42 IN UNISON: Aye.

43
44 CHAIRMAN MILLER: Opposed.

45
46 (No opposing responses)

47
48 MR. FLEENER: Five minute break.

49
50 CHAIRMAN MILLER: Okay.

00199

1 (Off record)

2 (On record)

3

4 CHAIRMAN MILLER: I'd like to call this meeting back to
5 order.

6

7 MR. P. TITUS: Testing, we're back in order.

8

9 CHAIRMAN MILLER: Okay, we're still on fisheries?

10

11 MR. FLEENER: Yes. I'd like to make a motion that the
12 Board take a look at regionalizing C&T determinations for
13 Region 9 and possibly the other regions around the state.

14

15 MR. GOOD: I'll second it.

16

17 CHAIRMAN MILLER: Okay, questions?

18

19 MR. P. TITUS: Yeah, what is it?

20

21 MR. FLEENER: Well, this is basically a concept just so
22 we can get it on the record that we have an interest in doing
23 regional C&T determinations and that the Board also look at
24 this. Because if we don't get something on the record, they
25 won't even look at it. So this is for them to take a look at
26 this concept and try to address it.

27

28 MR. GOOD: What I meant by that, are we going to come
29 up with an example of something?

30

31 MR. FLEENER: Well, what I'd like to see is at the --
32 not only what we've done already which is on record, but when
33 the Chair meeting -- the joint Chair and Board get together,
34 that our man, Mr. Miller, here can take it to everyone and
35 explain it. I've already explained it at previous meetings and
36 most of.....

37

38 MR. GOOD: So you'll carry it forward?

39

40 MR. FLEENER:Chairs agreed that regional C&T was
41 a good idea. But it didn't go any further than that.

42

43 MR. GOOD: So he's going to carry forth the concept
44 that we've already established here?

45

46 MR. FLEENER: Yes.

47

48 CHAIRMAN MILLER: And I've got some, I guess, concerns
49 with that. The problem I see with it is the, like, you know,
50 take Dot Lake for instance, the same problem you have down

00200

1 there with the two separate communities. You've got one
2 transit community and one community that's been there for 50,
3 60, 70 years. My understanding of the regulations as it is,
4 all you've got to do is live in the area for a year and you're
5 considered eligible for C&T.

6
7 MR. SHERROD: You don't even have to live there for a
8 year.

9
10 CHAIRMAN MILLER: I think, in my opinion, it opens up
11 -- it's just going to open up more hunting pressure in the
12 areas, when we're already dealing with that right now. So I
13 look at a preservation.....

14
15 MR. FLEENER: When there's no hunting problem, the C&T
16 thing, you know, it's not meant to stop people from hunting.
17 You know, we represent all rural Alaskans -- not all rural
18 Alaskans, but all rural residents in Region 9, and what it does
19 is -- when there's no problem it's not going to -- it's not
20 going to be stopping people from hunting, that's not the intent
21 of it. It's just when there becomes a problem. And if there
22 becomes a problem in specific areas, we have to go through the
23 804 process anyway; isn't that correct?

24
25 MR. SHERROD: That would be -- you know, the initials
26 stages to limit non-rural.....

27
28 MR. FLEENER: Right.

29
30 MR. SHERROD:non-subsistence hunters first. What
31 C&T does is starts cutting between subsistence rural users
32 prior to eliminating non-rural users.

33
34 MR. FLEENER: And as the problem gets focused, as you
35 figure out where the problem is, then you cut out other people
36 that are further away through the 804 process. Even with a C&T
37 determination, you still have to go through the 804 process.

38
39 CHAIRMAN MILLER: Well, that's -- to me, then all this
40 is a waste of time. Because, I mean, basically what it boils
41 down to is you got to go through a 1344 permit for.....

42
43 MR. FLEENER: Exactly, the whole.....

44
45 MR. SHERROD: For the Park?

46
47 CHAIRMAN MILLER: Yeah.

48
49 MR. SHERROD: Yeah, for the Park nothing that we do --
50 I mean I won't say nothing, but yeah, ultimately the Park

00201

1 Service are the gatekeepers for the Park.

2

3 CHAIRMAN MILLER: So I mean you can have -- whether you
4 have C&T for the area or not, if you're eligible for the
5 permit, you can hunt in that area.

6

7 MR. FLEENER: Exactly. That's the part of the problem
8 with the C&T thing.

9

10 MR. SHERROD: Well, in theory, the Park Service says yo
11 have to have C&T for the area as well as a 1344 permit. You
12 can have C&T, but if you don't have a 1344 permit, you can't
13 use the area.

14

15 CHAIRMAN MILLER: Okay. So in other words.....

16

17 MR. MATHEWS: If you don't have a positive C&T, the
18 Park Service can clarify this, if there's not a positive C&T in
19 the area and you have a 1344, you can't hunt that species.

20

21 MR. FLEENER: But you're right. You're absolutely
22 right you still have to get a 1344 to hunt there or you have to
23 go through the 804 process. So the C&T thing is a headache and
24 that's what we've been dealing with. It's an entire headache.
25 And if we deal with it globally, we can get rid of a lot of the
26 headache going through the C&T things every time, every
27 meeting, and not have to do that again.

28

29 CHAIRMAN MILLER: Now, I'm lost here.

30

31 MR. GOOD: Don't feel bad.

32

33 MR. NICHOLIA: If they do a C&T region wide, I mean for
34 each region, it will -- each region has a different
35 geographical area and if it's done like that it will be more
36 easier in that region to do a C&T because it will be more based
37 on that region.

38

39 CHAIRMAN MILLER: Okay, I still don't see the.....

40

41 MR. FLEENER: Benefit?

42

43 CHAIRMAN MILLER:benefit of it.

44

45 MR. SHERROD: Of the C&T?

46

47 CHAIRMAN MILLER: Um-hum.

48

49 MR. FLEENER: It's going to save.....

50

00202

1 MR. SHERROD: Of a C&T?

2

3 CHAIRMAN MILLER: Of a regional wide C&T. I can see
4 the cons side, but I can't see any pros for it.

5

6 MR. FLEENER: Well, one of the pros is that at every
7 one of these meetings we go through these C&T determinations
8 and we pass them. I mean we don't usually not pass them, we
9 haven't not passed a C&T thing yet. So what this is going to
10 do is pass it and -- and what we end up doing is going back and
11 having to relook at some that have left communities out.
12 Instead of doing that, we just go ahead and do a regional C&T,
13 because my -- part of my reasoning is that people lived
14 regionally, customary and traditionally, they didn't live in
15 one single spot, they did a lot of traveling and they still do
16 today. And so without a C&T -- if I don't have a C&T for the
17 next game management unit over, you know, and if there's a
18 problem I can't go hunt there. But with a regional C&T, we can
19 go hunt there.

20

21 CHAIRMAN MILLER: Okay, I guess so.

22

23 MR. FLEENER: Well, if you don't understand it we need
24 to talk about it.

25

26 MR. MATHEWS: So that's why I asked yesterday for a
27 full discussion of it because I think there's different
28 viewpoints on it. And one way is -- the question is is when
29 you decide who qualifies? Do you decide now or do you decide
30 when you have a resource problem? Essentially the regional one
31 is a step in that direction. So do you decide now who
32 qualifies and then predetermine that or do you wait until you
33 have a resource problem.

34

35 If you remember Craig Gardner, when he talked about
36 black bear, he said, well, you don't really need to do anything
37 with that black bear determination because there's no
38 biological concern there so why determine who's there. So.....

39

40 MR. FLEENER: But the thing is people are still going
41 to be submitting C&T determination requests because they want
42 to be recognized for using this animal. And even if we have no
43 problem, people are still going to be submitting those and it's
44 going to be more work for us, more work for them and we won't
45 be able to concentrate as easily on other issues.

46

47 CHAIRMAN MILLER: Go ahead, Lee.

48

49 MR. L. TITUS: Yeah. If we go along with this motion
50 of that would automatically -- what would that do to the

00203

1 proposal that we deferred to the Southcentral Council? It was
2 a proposal that was submitted by Frank Entsminger who lives up
3 in our region and his resolution was to make Glennallen a C&T
4 town. And I think this motion here might.....

5
6 MR. FLEENER: Well, they still -- to be considered C&T,
7 they still have to meet with the criteria that's setup in the
8 -- whatever the articles.....

9
10 MR. L. TITUS: The eight factors.

11
12 MR. FLEENER:the eight factors, yeah, they still
13 have to meet with those. And so if they don't have a -- what's
14 the number one there? If they don't have a long-term
15 consistent pattern of use excluding interruptions beyond the
16 control of the community or area and along with the other
17 seven, you know, they don't apply -- they don't.....

18
19 MR. L. TITUS: I mean who's going to make those eight
20 -- who's going to make the determination on those proposals --
21 are we going to make those determinations or is the biologists
22 or.....

23
24 MR. FLEENER: The Board. The Board makes those
25 determinations. We submit recommendations and the Board makes
26 a decision, just the way it is now.

27
28 MR. L. TITUS: I mean we still get back to where we
29 started from. People are still going to say we want a C&T
30 determination.

31
32 MR. FLEENER: They won't need it anymore because, you
33 know, if we do a regional one they'll have it.

34
35 MR. L. TITUS: All they'll have to do is just prove
36 these eight factors.

37
38 CHAIRMAN MILLER: I guess I can see the point behind it
39 but I can see the other side of it, too, you know, it still
40 looks like it's just opening up, you know, more country -- more
41 pressure, you know, to the areas.

42
43 MR. L. TITUS: Yeah, there's going to be a time frame
44 because there's a -- like in Northway there's a lot of them
45 that are -- there's a lot of little factors living within the
46 Northway area. There's business. They got the FAA site there,
47 and there's school teachers that live around there year-round.
48 And then there's a lot of little cabins all along the highway
49 all the way to the border and then coming down this way too.
50 And if we take this action and they get a hold of that then it

00204

1 would -- it would all put them in the -- it would put them in
2 the kitty.

3

4 MR. SHERROD: Well, in some cases they already are.
5 Residents of Unit 12, many of the determinations that are on
6 the books right now recognize them as having a customary and
7 traditional use.

8

9 MR. FLEENER: Exactly.

10

11 MR. SHERROD: It wouldn't.....

12

13 MR. FLEENER: It's not going to add any new ones.

14

15 MR. SHERROD: It's not adding any new, they're already
16 there.

17

18 MR. FLEENER: They're already hunting.

19

20 MR. SHERROD: And they can basically, because the area
21 is open to State regulations, they can hunt under State
22 regulations alongside anyone from Anchorage.

23

24 MR. FLEENER: It's not really going to add anybody
25 because they already have.....

26

27 MR. L. TITUS: I know what you guys are talking about.
28 But it still doesn't address the concerns that I have. You all
29 heard my comments that I made yesterday and I still stand by
30 them, that I think that Title VIII of ANILCA is Indian Law.
31 And by taking this action it's going to water down the process
32 of that law.

33

34 I mean I've heard a lot of speeches by Indian people
35 about protecting our resources, about protecting our customs
36 and our traditions, and by taking this action we're only
37 stepping over what they stood for. Because there's a lot of
38 things that's involved when you're talking about C&T that other
39 people don't understand. Who comes to our potlatch when we
40 have potlatch? Who helps out with our community when there's
41 some kind of tragedy in our community? Are these people there
42 to help out? Do these people come and bring berries or bring
43 moose meat or bring fish to the house? These are the questions
44 that we have to answer. And by opening this thing up, in the
45 sense of the word, the way that it's written is diluting --
46 it's diluting the way that the Native people have been raised.
47 We're talking about spiritual things. We're talking about
48 respect. There's a lot of things we're talking about when we
49 talk about C&T. And I have -- in my conversations and looking
50 at the way things are written in the book, there's nothing in

00205

1 there about respect. I mean there's got to be a line that's
2 dividing. There's got to be that line between what's written
3 and me.

4
5 MR. SHERROD: Mr. Chair, if I could?

6
7 CHAIRMAN MILLER: Yes.

8
9 MR. SHERROD: Lee, I think what's clear here is that
10 the current process doesn't accommodate your concerns and I
11 greatly appreciate that and I know what you're saying. I think
12 also what Mr. Fleener is saying is the current process doesn't
13 accommodate his concerns. Maybe a more appropriate action is
14 to send a message to the Board saying the C&T process, as it
15 is, doesn't work and we want input into changing it. And at
16 that time, maybe rather than telling them how to fix it, say,
17 we need to look at it again and figuring out a way of fixing it
18 to accommodate our concerns and just leave it at that. And
19 hopefully, in some sort of forum, a mechanism might be
20 developed that would accommodate more of these concerns.

21
22 MR. FLEENER: I can go for that.

23
24 MR. SAM: Mr. Chair.

25
26 CHAIRMAN MILLER: Yes.

27
28 MR. SAM: Yesterday I made the comment that I kind of
29 went along with this C&T -- regional C&T. You know after
30 talking with some people and thinking about it, I'll have to
31 agree with Lee over there. You know it's -- the way I was
32 thinking about it was like, Huslia, for example, on the Koyukuk
33 River, we're trying to get C&T determination -- a positive C&T
34 established to, you know, hunt sheep in the Gates of Arctic.
35 And for it to be region, I was thinking that that would be more
36 effective for Huslia. But now that I think about it, I mean,
37 you know, we're going to have to start thinking about the
38 traditional, you know, aspect of it. I mean who has
39 traditionally hunted there, you know?

40
41 And for example, around on the Koyukuk National
42 Wildlife Refuge, there is cabins out there, people fly in and
43 they fill up these little cabins. The next thing you know the
44 cabins are getting bigger and bigger, more and more people are
45 flying in, and you know, they're claiming status as trappers
46 and they're traditionally trapping there and they're handing it
47 down from their generation to their kids. And I think there
48 has to be a clear definition on C&T, and you know, I've been
49 known to change my stripes a time or two. So I'd like to, you
50 know, retract what I was thinking about yesterday. I usually

00206

1 act on just impulse and after further thinking about, you know,
2 where I'm coming from and who I'm actually representing here,
3 you know, I'm representing the subsistence side of our people.
4 And I can't get caught up in this little political battle here.

5
6 MR. FLEENER: I don't really think we're having a
7 political battle, I think it's mostly what -- at least, up
8 here, what -- how we think we're defining what's written. I'm
9 putting a lot of credence in the eight factors and that's where
10 I'm thinking that what you guys are talking about is taken care
11 of. And I got a lot of respect for what's being said. But I
12 think that those things are addressed. You know, you're
13 talking about tradition, and part of the eight factors is a
14 pattern of use reoccurring in specific seasons for many years.
15 That means that Joe Smith that comes up from Montana one year
16 ago doesn't meet the requirement.

17
18 MR. NICHOLIA: But what if Joe Smith was there for 20
19 or 30 years, that's what Lee is talking about?

20
21 MR. FLEENER: Right. I understand that.

22
23 MR. NICHOLIA: They could break those eight factors
24 though for that region. Because every -- even in our region,
25 maybe on the Yukon it's not that affected that much, but here
26 on this highway it has affected these people.

27
28 CHAIRMAN MILLER: I guess that's the point I was trying
29 to get across.

30
31 MR. P. TITUS: Well, Nenana will fall into the -- from
32 the railroad and highway and.....

33
34 MR. GOOD: Mr. Chairman.

35
36 CHAIRMAN MILLER: Yes.

37
38 MR. GOOD: I'm Joe Smith from Montana. I've been up
39 here for about 28 years. And as I read this this does say for
40 Natives and non-Natives. But as Joe Smith from Montana, I want
41 you to know I have Native grandchildren. I mean I have Native
42 family members. And I'm going, well, wait a minute, what I'm
43 hearing here is beginning to sound like that we want to set
44 this up simply for Native people. You know, you're saying that
45 since I'm Joe Smith from Montana, that -- and I fit that
46 definition of being up here 20 or 30 years and therefore I
47 should be ineligible? Is that what I'm -- maybe I'm hearing
48 this wrong, but I'm asking?

49
50 MR. FLEENER: I think you're hearing it right.

00207

1 MR. GOOD: Then I would have to ask, if this really is
2 the case, then why am I on this Board? And why then would this
3 Board say that there should be lines drawn between me and other
4 members of my family?

5
6 MR. P. TITUS: Because ANILCA didn't address -- the
7 Lands Claims didn't address the things that it should have
8 addressed, that's why they passed this law. The Land Claims,
9 the way I have determined it is the biggest discriminatory
10 thing that's occurred. It created people on paper that had
11 been there for centuries and we're only recognized since 1971.
12 We was all born December 7th, 1971.

13
14 MR. GOOD: Well, I'm going to tell you that as how I
15 read it, we're here as a Board to serve rural Alaska residents,
16 both Native and specifically written in is, non-Native.

17
18 MR. P. TITUS: Because the Land Claims didn't
19 address.....

20
21 MR. FLEENER: Well, no, he's got a valid point. But
22 Lee also has a valid point that the law was written as Native
23 law, but the word, Native, was stricken because too many people
24 didn't want to have it that way and they changed it to rural.
25 So where a lot of people come from is that it is -- it is and
26 it's supposed to be Indian Law and, most Native people take it
27 that way.

28
29 MR. GOOD: Well, as I'm reading it it says Native and
30 it says non-Native.

31
32 MR. FLEENER: Well, that's the way -- that is what it
33 says, yeah.

34
35 MR. GOOD: Both words are in there.

36
37 MR. FLEENER: So that's what we do represent right now.
38 And a lot of people are still understanding the original intent
39 and going that way with it. and you can't really -- I don't
40 know if you want to really go against what people are trying to
41 do by protecting their traditions. I mean both of you have a
42 valid point. The way it's written now, we're supposed to be
43 representing all rural residents. But you have people that are
44 also very concerned about the traditional of their people that
45 have been here for thousands of years.

46
47 MR. GOOD: And I'd say that I'm one of those people.
48 But at the same time, I don't say that I need to be excluded
49 either.

50

00208

1 MR. L. TITUS: Yeah, I understand Mr. Good's concern
2 here. Because it was brought up -- see I was on the -- when
3 the -- when this Regional Council first started I was on the
4 Chair prior to that. And this concern has been brought up ever
5 since the law became effective, you know. Because it was a law
6 that was broad in the sense of the word, but it didn't -- it
7 was a law that didn't address specifics, you know, because
8 there was a lot of little -- there's a lot of little things
9 that either has -- could affect in one sense and then it has a
10 negative affect in another sense, you know. And I understand
11 his concern. But that's just the way that different people
12 interpret the law. I never did really fully agree with ANILCA
13 -- I mean Title VIII of ANILCA, and the way that it is written
14 because it brought all these negative aspects out in the law.

15
16 That's all I have.

17
18 MR. SHERROD: Mr. Chair.

19
20 CHAIRMAN MILLER: Go ahead, George.

21
22 MR. SHERROD: This is exactly what C&T does. It pits
23 rural people against rural people. It pits the Yupiks against
24 the Engoliks. It pits the Tanana against the Ahtna. It pits
25 the White homesteaders that have been here a long time against
26 the neighbors that live right next door. And in all the time,
27 the question never -- is there enough resource to go around?
28 And if there's not, the law clearly says, you restrain or
29 eliminate urban hunters. C&T does nothing to stop or restrain
30 urban hunters. It only pits rural hunters against rural
31 hunters.

32
33 MR. NICHOLIA: Could we stress that to the Board?

34
35 MR. FLEENER: Well, we can't stress it to the Board if
36 we don't pass the motion we want to make changes. That's the
37 only way we can stress things to the Board.

38
39 MR. L. TITUS: if we do a region C&T, I think it will
40 do more harm than it will do good. We'll just have to sit out
41 there and we'll have to pass.....

42
43 MR. FLEENER: Actually our motion's died. Why don't I
44 make another motion, that we stress to the Board that.....

45
46 MR. MATHEWS: The motion was seconded.

47
48 MR. FLEENER: The motion died because he withdrew his
49 second.

50

00209

1 MR. MATHEWS: Okay, I'm sorry.

2

3 MR. FLEENER: And I'll make a second motion that we
4 stress to the Board that -- and I think they'll pick it up on
5 this last 15 minutes of conversations that we're dissatisfied
6 with the way the C&T has been handled -- yeah, the C&T process,
7 itself, we're dissatisfied with and we want to consider changes
8 to it. If that's okay to the rest of the Council? And we
9 would like changes to be made.

10

11 CHAIRMAN MILLER: Do I hear a second?

12

13 MR. GOOD: I'll second it.

14

15 CHAIRMAN MILLER: Anymore discussion?

16

17 MR. P. TITUS: Question.

18

19 MR. MATHEWS: In past discussions with the Board, and
20 this is a good motion don't get me wrong on this, past
21 discussions with the Board is I would like you to place
22 yourself in the Board with this motion before the -- correct,
23 they're going to say, well, what do they want?

24

25 MR. FLEENER: Well, I said what I wanted last time and
26 it didn't sound too popular. So I'm not going.....

27

28 MR. MATHEWS: I'm just saying it does send a
29 message.....

30

31 MR. FLEENER: I'm convinced.....

32

33 MR. MATHEWS:but if you were sitting on that
34 Board as Paul Anderson for the Park Service and Dave Allen for
35 Fish and Wildlife and Mitch Demientieff, you'd say, well, I
36 understand you're dissatisfied and you want to make changes;
37 what changes do you want to make? So I'm not saying to
38 withdraw your motion, I'm just acknowledging.....

39

40 MR. NICHOLIA: Where it won't pit rural against rural
41 or something like that. So where we won't have to sit and
42 argue amongst ourselves like we were just doing.

43

44 MR. FLEENER: This is okay though, this is a good
45 process. It's okay for us to do some arguing, there's no bad
46 feelings here. This is a good debate right here that we're
47 having and I think it's real important. This is telling us,
48 amongst each other here, that we're really not happy with this
49 thing and it needs to be changed and that's good. You know,
50 there's no hard feelings here.

00210

1 I'm kind of mad at Vince, but other than that.....

2

3 MR. MATHEWS: I think there's a long list of people
4 that are made with me today.

5

6 MR. FLEENER: I'm not going to make any specifics right
7 now because I've made.....

8

9 MR. L. TITUS: You can just, in your motion, make it
10 based on prior.....

11

12 MR. FLEENER: Discussions.

13

14 MR. L. TITUS:based on the additions that we've
15 put on the -- the resolutions that we've passed.

16

17 MR. FLEENER: Yeah. We can make it based on 95, 96,
18 92, 93, whichever one that was.

19

20 MS. MEEHAN: 95-96. Let me, just so I can make sure
21 that I've been able to follow all of this sort of convoluted
22 discussion.

23

24 MR. FLEENER: Please don't ask us to repeat anything.

25

26 MS. MEEHAN: What I've got written down, just to see if
27 I've caught the essence of what you were saying was, the
28 Council is dissatisfied with the C&T process and that the
29 Council wants to see the process changed and wants to be
30 involved in developing that change.

31

32 MR. FLEENER: That sounds wonderful. But it still
33 doesn't address Vince's Board's statement -- no, it's an
34 important statement. They're going to come back and say, well,
35 what do you want us to do? And if they're willing to sit down
36 and say, let's work on it then that would be good. If they
37 come back and say well, you get back to us when you come up
38 with a decision, that's going to be hard because then we'll
39 have to have a separate meeting just to come up with what we
40 want to do with C&T.

41

42 MR. MATHEWS: And I would assume if this passes, that
43 under justification, you'd want that you didn't -- that you're
44 uncomfortable that you're pitting rural against rural?

45

46 MR. FLEENER: Yeah, you can put that in the motion, I
47 like that.

48

49 MR. MATHEWS: Well, it's in the justification, it can
50 be in the motion, too.

00211

1 MS. DETWILER: As Rosa was suggesting, the issues
2 behind what you're saying here could come out of at the joint
3 Board meeting.

4
5 MR. FLEENER: Let's take a five minute break or
6 something.

7
8 (Off record)
9 (On record)

10
11 CHAIRMAN MILLER: Let's call this meeting back to
12 order, please.

13
14 MR. P. TITUS: We're back in order.

15
16 MR. FLEENER: Okay, I'd like to call.....

17
18 CHAIRMAN MILLER: I guess we got a motion on the floor
19 and did you make an amendment to that motion, and stipulate in
20 there that we'd like to start off first with the eight point
21 criteria that they came up with to try and better define that
22 to the areas instead of a statewide criteria, so we can start
23 working with the Board.

24
25 MR. FLEENER: Second the motion.

26
27 MR. P. TITUS: Is that an amendment to the motion?

28
29 MR. FLEENER: Yes, it is.

30
31 CHAIRMAN MILLER: To.....

32
33 MR. FLEENER: To bring up the eight point criteria and
34 use that as kind of like a launching point in addressing the
35 C&T problem and looking at maybe modifying some of the eight
36 factors.

37
38 CHAIRMAN MILLER: For the local.....

39
40 MR. L. TITUS: So would that do away with the three
41 criteria that's written in ANILCA?

42
43 MR. FLEENER: It won't do away with anything. This is
44 just going along with what Vince said, that they're going to
45 want to look at something and they'll want to know and this is
46 just a starting point from what we can look at.

47
48 MR. L. TITUS: But there's nothing in the eight points
49 that conflicts with the three that's written in ANILCA?

50

00212

1 MR. MATHEWS: I'm lost when you're talking about the
2 three.

3
4 MR. L. TITUS: What were the three points in ANILCA?

5
6 MR. VOSS: Section 804.

7
8 MR. MATHEWS: Oh, we're talking 804, that's alternate
9 -- availability of alternate resources, customary and
10 traditionally.....

11
12 MR. VOSS: Proximity.

13
14 MR. MATHEWS:proximity, right. I needed a cup of
15 coffee. But anyways, those are the three that apply when you
16 get to an 804 after you've closed other uses that you need to
17 decide amongst your qualifying pool of candidates who would
18 still hunt or fish, then you apply those three factors. Well,
19 I don't know if they're factors, but whatever they are, those
20 three points. George can validate this, we've never done a
21 804, we don't have a process established of how to do it. That
22 doesn't mean to avoid it, I'm just letting you know we do not
23 have a process.

24
25 UNIDENTIFIED VOICE: Didn't we do that in the Mentasta
26 Caribou?

27
28 UNIDENTIFIED VOICE: Yeah.

29
30 UNIDENTIFIED VOICE: Yeah. We did that in the Mentasta
31 Caribou.....

32
33 UNIDENTIFIED VOICE: The Mentasta Caribou.....

34
35 UNIDENTIFIED VOICE: We made a designation.....

36
37 MR. SHERROD: We made designations but we've never used
38 -- we've never applied the factors as outlined. We have no
39 process to apply them. We've made several made several de
40 facto, you know, for determinations, but we've never actually
41 applied the process.

42
43 MR. FLEENER: Is there a process setup or is it just
44 the.....

45
46 MR. SHERROD: They are the three guidelines that are in
47 the law but there is no process setup to my knowledge. There's
48 none in our regulations.

49
50 MR. FLEENER: So then it's just three lines of

00213

1 useless.....

2

3 MR. SHERROD: No, no. I mean it's -- again, I suppose
4 if you're talking about opening this up and using the eight
5 factors as sort of a straw dog to build off of or attack or
6 whatever. But at the same time you can look at the
7 relationship between the eight factors, and again these are
8 factors we adopted from the State and the three criteria, for a
9 lack of a better term, that's laid out in 804, saying how you
10 make cuts between subsistence users. And again, in my
11 interpretation, an 804 situation is not a permanent thing, it's
12 a temporary thing to deal with a situation when there's simply
13 just not enough resources to go around between qualified rural
14 users and you have to make an allocation decision at that time.
15 But it's a last step process. But, no, Lee, the 804 is in law.
16 It would not -- anything you do here, basically only -- in C&T,
17 only allows a determination between rural users. 80 -- I mean
18 -- that's not right. But anyway, those last three will remain
19 in place, they're in law.

20

21 MR. L. TITUS: Okay.

22

23 MR. GOOD: You know, as I listen to this, it seems to
24 me that part of the motion of what we're looking at here some
25 way of putting this into effect. And we're talking like a
26 scoring system that would be used to determine who would have
27 whatever resources were available. This scoring system would
28 allow points based on the C&T. One of those things would, of
29 course, be length. I would think that ultimately in a very
30 serious situation that length of time would become the end
31 factor in determining the difference between two people. And I
32 would say that based on that, obviously, the Native person --
33 or person of Native decent from the area would have a higher
34 score. So based on all those assumptions and I would say that
35 -- I don't want to say that it's a racist sort of thing, but
36 maybe it's just a fair sort of thing. There is an advantage.
37 If that's the procedure that's followed. But -- and maybe
38 that's what we want to see, that there is a procedure like
39 this.

40

41 MR. P. TITUS: Well, I beg to differ with you because
42 Minto has a Tier-II permit system and I never got a Tier-II for
43 years because I'm not computer friendly I guess. My points
44 don't add up, I don't know what's the problem. But the point
45 system don't add up in Minto Flats for Tier-II.

46

47 MR. FLEENER: Well, I think that's what he was saying
48 Philip, that there is no.....

49

50 MR. SHERROD: Process.

00214

1 MR. FLEENER:that process isn't setup and he was
2 thinking that it may be a good process.

3
4 MR. P. TITUS: But historically it's not.

5
6 MR. FLEENER: Right.

7
8 MR. GOOD: I can't get a Tier-II either.

9
10 MR. MATHEWS: Maybe it would help at this moment to
11 recapitulate the motion because.....

12
13 MR. L. TITUS: Yes, what is the motion?

14
15 MR. MATHEWS: The motion that I have and Rosa may be
16 able to help me is we moved to -- Craig moved that the Regional
17 Council is dissatisfied with the present C&T process. And want
18 to make changes or have changes -- look at possible changes and
19 want to be involved in that process. Then there was discussion
20 about modifying the eight factors, but I'm not sure how that
21 ended up.

22
23 MR. FLEENER: That's an amendment to the motion.

24
25 MR. MATHEWS: Okay. And I'm not sure what the
26 amendment actually.....

27
28 MS. MEEHAN: Well, the amendment was to.....

29
30 MR. FLEENER: Well, the amendment is to just look at
31 this as a starting point.

32
33 MS. MEEHAN: Right.

34
35 MR. FLEENER: Because we needed something -- you said
36 they're going to ask us, well, what do you want to do, so this
37 is the first thing we'll do is take a look at these and we can
38 launch from there into further discussion.

39
40 MR. MATHEWS: And the other possibility of doing this
41 is just the possibility of using the similar process that we
42 use with the designated process hunter process, where we setup
43 a task force.

44
45 MR. FLEENER: What do we want to do? Question.

46
47 CHAIRMAN MILLER: Okay, question's been called for.
48 Anymore discussion? Hearing none, all in favor of the motion
49 signify by saying aye.

50

00215

1 IN UNISON: Aye.

2

3 CHAIRMAN MILLER: Opposed same sign.

4

5 (No opposing responses)

6

7 MR. FLEENER: Call the question on the main motion.

8

9 CHAIRMAN MILLER: Okay, question's been called on the
10 main motion. All in favor of the main motion signify by saying
11 aye.

12

13 IN UNISON: Aye.

14

15 CHAIRMAN MILLER: Opposed same sign.

16

17 (No opposing responses)

18

19 CHAIRMAN MILLER: If it's okay with the Board, I think
20 we can go ahead and get back to the proposals and try and get
21 that done. Philip wants to get out of here before 2:00.

22

23 MR. P. TITUS: Do you want me to address the things on
24 YRFDA or just skip it?

25

26 MR. MATHEWS: Well, it's not for me. I mean I get all
27 the YRFDA information, so I want to make that clear. I mean he
28 is there, they -- it may not be necessary at this time, that's
29 up to you. So I'm -- I said enough, but don't ask me because
30 I'd have you talk all day.

31

32 CHAIRMAN MILLER: I guess it's up to the Board here.

33

34 MR. FLEENER: I ain't in no hurry. Who's in a hurry to
35 leave?

36

37 MR. P. TITUS: Me.

38

39 MR. MATHEWS: It really shouldn't take long. We've
40 made a big deal out of it, I've just been prompting him, it
41 shouldn't take long.

42

43 MR. P. TITUS: Well, YRFDA was created in 1990/91 for
44 all the fishermen on the Yukon River -- all the Yukon drainage
45 fishermen, I got some proposals here. This resolution was
46 presented on the Board for the taking to us in Kaltag but it
47 was voted down -- it was tabled -- moved to table so people
48 could take this resolution home and discuss it with their
49 people.

50

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1 We deal with a lot of fishing issues, salmon issues and
2 the Board of Fisheries recognized our organization. They
3 directed us to do some fish planning for them. The committee
4 had votes by consensus. If one guy don't agree on some action,
5 it automatically kills the action so we don't divide the up
6 river and down river people that's always constantly fighting
7 with each other.

8
9 MR. FLEENER: Which is a big plus.

10
11 MR. P. TITUS: I'm open for questions.

12
13 MR. MATHEWS: I think what Philip is leading to is that
14 maybe you ought to carry this resolution back to your
15 communities to talk about it. And maybe he wants to explain
16 briefly what the resolution means. And I believe all the
17 members of YRFDA are going back to the communities with this
18 resolution, that's why it was tabled to hear more from other
19 communities.

20
21 MR. P. TITUS: I would appreciate it if you wrote on
22 this that it was tabled so nobody takes this resolution as
23 done.

24
25 MR. FLEENER: The questions I have on it is what --
26 since we're all appointed by the Secretary of Interior, how do
27 you think that's -- because the Secretary of Interior would
28 probably want to have to appoint all the members of YRFDA and I
29 don't know if people would be just willing to do that. Have
30 you guys addressed that?

31
32 MR. P. TITUS: Well, YRFDA is an elected board, you
33 know. We send out ballots, nominations and ballots. But we
34 discussed that, I didn't get an answer, I don't think.

35
36 MR. FLEENER: Maybe somebody from the Staff could
37 address that?

38
39 MR. MATHEWS: Well, it's just a petition to ask to
40 become an 11th Regional Council. If it was looked at
41 favorably, then we would have to look at how the mechanism
42 would be done. I suppose I'm reversing myself here.

43
44 MR. FLEENER: But the thing is there is already members
45 on there that.....

46
47 MR. MATHEWS: I don't think the Secretary -- the
48 petition is to ask that that board become the 11th Regional
49 Council. I don't think the Secretary's going to turn around
50 and say, yes, we agree that YRFDA should be it, but everybody's

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1 got to walk off that board so we can appoint them.

2

3 MR. FLEENER: But my main concern is future members of
4 YRFDA. Are they going to allow them to still be elected or
5 would they.....

6

7 MR. MATHEWS: That would -- we'd analyze that and the
8 Secretary would have to make some kind of a decision if it was
9 looked at as the wisest way to go. For those that don't
10 understand, there's three Regional Councils involved with this.
11 Yukon-Delta, Western Interior and Eastern Interior on the
12 drainage. This Council and Western, I can't speak for Y-K,
13 have said that we got to have good communication. We got to
14 have good cooperation, YRFDA has been noted for doing that. So
15 it's a resolution to say there should be an 11th Regional
16 Council. I don't know what we would do on -- maybe Rosa does,
17 but at this point it's just a resolution.

18

19 MR. P. TITUS: One more point. This resolution was
20 supposed to be dealing with salmon issues and the fish that
21 local people harvest and live off of, we left it up to the
22 local people to deal with there -- but this is for the fishing
23 that come out of the Yukon River.

24

25 MR. NICHOLIA: I think that YRFDA could be involved at
26 the grassroots instead of an 11th Council.

27

28 MS. MEEHAN: I think Gerald's got the right idea -- or
29 that that's a way that people have been thinking. We don't
30 have to be constrained by the idea -- don't box yourself in by
31 thinking that the only groups that can participate in this have
32 to be called Regional Councils that be appointed. We can work
33 creatively to cooperate with existing groups and incorporate
34 the knowledge, the mechanisms that are working, the problem-
35 solving that's going on into our process the way we've got it
36 setup.

37

38 And the important thing about getting a petition or a
39 resolution from YRFDA, the critical thing on that is YRFDA's
40 saying, we want to be involved. And I think that's the way to
41 look at it. That's great. That's a wonderful and a very
42 important group that we can then somehow work it into the
43 system that we can take advantage of what they're doing to make
44 our process work better and keep everything coordinated with
45 the State. But we don't need to hung-up or get boxed into the
46 idea that they have to be another Regional Council. We want to
47 take advantage of them and work together.

48

49 MR. SAM: Mr. Chair.

50

00218

1 CHAIRMAN MILLER: Go ahead, Gabe.

2

3 MR. SAM: I was at that meeting when this resolution
4 came up. And with all due respect to YRFDA, their
5 considerations are taken greatly by the Board of Fish and
6 they're really listening to when they come up with proposals.
7 And one of the issues that was brought up is the people on the
8 YRFDA board, they don't represent all the communities. There's
9 people in the Koyukuk River and people farther up that are not
10 represented, and further has to be, you know, discussed within
11 the communities on who's going to be on this board. It's going
12 to be an elected board, you know. So the way that YRFDA
13 operates is by consensus, it's not the majority vote, so
14 everybody has to agree. That's one thing that has to be taken
15 into consideration. And understand they want to manage only
16 the salmon population. Well, you know, there's the Eastern
17 Interior, Western Interior, they do big game mammals as well.
18 So you know, that's -- an 11th Region, that's -- I don't know
19 -- TCC can't support that at this time.

20

21 MR. NICHOLIA: I think they'll be involved at the
22 grassroots stage because that -- where they're being so
23 influenced to the board they'll probably be influenced to the
24 Federal Subsistence Board, too, as it is.

25

26 MR. P. TITUS: I got a list of all the board members
27 right there and alternates if anybody wants to look at it.
28 It's Yukon River Y -- it represent the Koyukuk River, Chandler
29 River, everybody's represented on YRFDA.

30

31 MR. SAM: Well, those people on the Board do not --
32 they speak -- you know, they don't speak for all the people in
33 the community. You heard it out there from Julia Roberts
34 herself, you know. Those people on the board don't represent
35 everybody in Tanana. And so that's one thing that has to be
36 taken into consideration.

37

38 MR. NICHOLIA: Then say it becomes an 11th Region,
39 we'll be overriding other rural residents, that's what Gabe is
40 trying to say.

41

42 MR. L. TITUS: Is there any.....

43

44 MR. NICHOLIA: We're not covering all the rural
45 residents on the Yukon, Koyukuk and Tanana River.

46

47 MR. L. TITUS: The draft Federal registers, and on Page
48 66226, there's number 12, there's a portion there about local
49 advisory committees. It says the Board shall establish such
50 Federally advisory committees within each region as necessary

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1 at such a time that it determined after notice and hearing and
2 consultation with the State, and that the existing State Fish
3 and Game Advisory Committees do not adequately provide advice
4 to and assist the particular Regional Councils in carrying out
5 its function that's set forth in -11. Then there's subpart A.
6 Federal Advisory Committees, if established by the Board shall
7 operate in conformance with the provisions of FACA and comply
8 with the rules of the operation established by the Board. How
9 does this resolution conflict with those?

10
11 MS. MEEHAN: What that -- if I could shed some light on
12 it. That's part on the regulations that are in place. And
13 this particular section speaks to the establishment of the
14 Regional Councils, the current Regional Councils. And so we
15 have the Councils. This does not -- this section does not
16 constrain that our Council structure from working cooperatively
17 with other groups. It just says that the program has to have
18 some Regional Advisory Councils, which we do have, and we still
19 will have for fish. But it doesn't mean you can't be
20 cooperators with other groups.

21
22 MR. L. TITUS: yeah. It states that in Section 14 and
23 (C), it says, the Board may enter into agreements with the
24 State in order to coordinate respective management
25 responsibilities.

26
27 MS. MEEHAN: Yep.

28
29 MR. MATHEWS: It doesn't restrict -- what this was
30 referring to is that there was analysis done on the State
31 Regional Councils and the State local advisory committees.
32 That report concluded that the State advisory councils did not
33 meet the intent of ANILCA, that's why you guys were formed and
34 that the local advisory committees did. But if those
35 committees, as it says here, don't perform, the Federal
36 government could setup a counter committee to Upper Tanana,
37 Fortymile or Minto, Nenana or et cetera. It allows them to do
38 that. There's no intent to do that. Like Rosa said, we're
39 going to work with other groups. This doesn't constrict you to
40 work with other groups at all. This is just to allow the
41 program to setup committees, like most of you are on Tanana,
42 Rampart, Manley, Upper Tanana, Minto, Delta, to setup a Federal
43 one. There's no idea, thought, anywhere of doing that.

44
45 MR. L. TITUS: So if this whole fisheries thing goes
46 forward, statewide, does that mean that the Regional Councils
47 will look at fisheries proposals?

48
49 MR. MATHEWS: Yes. You would look at fisheries
50 proposals.....

00220

1 MR. L. TITUS: Plus game?

2

3 MR. MATHEWS: Yeah.

4

5 MR. FLEENER: Four days, man.

6

7 MR. MATHEWS: No, it would be -- well, fall you would
8 be looking at fisheries proposals and looking at the proposed
9 rules for wildlife and then in spring or whatever you want to
10 call this, late winter, you would be dealing with the call for
11 proposals for fisheries and taking recommendations on wildlife
12 species. That's how we envision it now. But once we get into
13 it, all this could change but that's how we look at it. So
14 yeah you would be putting on two hats, or three hats.

15

16 MR. L. TITUS: I really don't like that idea.

17

18 MR. MATHEWS: And I will have an espresso machine here.

19

20 CHAIRMAN MILLER: Is there anymore questions for
21 Philip?

22

23 MR. FLEENER: Well, according to this it says they want
24 to become the 11th Subsistence Advisory Council, so we need to
25 take some action to.....

26

27 MR. MATHEWS: It's been tabled.

28

29 MR. P. TITUS: It's been tabled.

30

31 MR. FLEENER: So you're just bringing this up as
32 information?

33

34 MR. P. TITUS: Yeah.

35

36 MR. FLEENER: Okay. So we don't need to.....

37

38 MR. NICHOLIA: I see this just becoming another big
39 headache we'll have to deal with another three or four years
40 longer as I see it. Because we'll have to be changing rules
41 and regulations to adopt this. The 10 regions have already
42 been established, I hate to see another book.

43

44 MR. MATHEWS: So I think what Philip wants is just to
45 inform you, carry it back to your village and you can show it
46 the list of contacts or call him up and share your opinions on
47 it. I don't know when YRFDA's meeting again, but they would
48 like to hear back.

49

50 MR. P. TITUS: It was just for informational purposes.

00221

1 CHAIRMAN MILLER: Before we get started on proposals I
2 would like to recognize the Chief of Tanacross, Jerry Isaac.

3
4 MR. P. TITUS: Good morning.

5
6 CHAIRMAN MILLER: Okay, we're on Proposal 32, Page 270.

7
8 MR. MATHEWS: Just to get us back in the rhythm again.
9 I gather Proposal 32 is to deal with brown bear in Unit 13 and
10 20. You guys get to deal with 13, I believe. And it's to
11 change customary and traditional use determination. And as we
12 did yesterday, it goes to analysis, we briefly, if there's
13 questions on that, agency comments, public comments and then
14 deliberations. If you're looking in your book for 32, it's on
15 Page 269.

16
17 MR. L. TITUS: Move to adopt.

18
19 MR. MATHEWS: Is there a second to move to adopt?

20
21 CHAIRMAN MILLER: Not yet.

22
23 MR. GOOD: I'll second that.

24
25 CHAIRMAN MILLER: Second by Nat.

26
27 MR. L. TITUS: Just for discussion purposes.

28
29 MR. GOOD: Yeah.

30
31 CHAIRMAN MILLER: Discussion.

32
33 MR. GOOD: Mr. Chair.

34
35 CHAIRMAN MILLER: Yes.

36
37 MR. GOOD: This is another one of those that talks
38 about -- the reading regarding getting the -- regarding the
39 Ahtna people by Copper River Native Association, I believe
40 that's who proposed this, correct.

41
42 MR. SHERROD: Yes. You had Proposal #96, which was for
43 Unit 12 that you supported. Proposal 22 which was for Unit 11,
44 you supported C&T for black bear on that. This is Proposal 32
45 for Unit 13 and the same community involved. And I guess being
46 consistent with your past actions and the evidence presented
47 before you, you supported the other two.

48
49 CHAIRMAN MILLER: Left it to them to handle?

50

00222

1 MR. SHERROD: We need to deal with 32 and 33
2 separately. But 32 you support -- you supported the Ahtna's
3 claim for the use of brown bear twice already at this meeting.

4
5 CHAIRMAN MILLER: Yeah. I see under Staff
6 recommendations that Staff opposes Proposal 32?

7
8 MR. SHERROD: Yes. The Staff basically felt that there
9 was not enough in terms of consistent hunting or current
10 hunting. This was the same recommendation that was given on
11 Proposal #22 and your decision on that was to override the
12 Staff recommendation and support it. And again, I'd like to
13 say, that part of the reason the Staff recommendation is there
14 is because of the problems that we have with RFRs from the
15 State, so it would be very helpful in this if you again, say
16 that you have direct knowledge that the Ahtna still use brown
17 bear or something like that.

18
19 MR. L. TITUS: Would it be in order to vote against the
20 motion that was made prior and (indiscernible).....

21
22 MR. FLEENER: Is this an overlapping?

23
24 MR. MATHEWS: It is.

25
26 MR. GOOD: This would be particularly appropriate
27 because CRNA, at our meeting in Anchorage, indicated that they
28 wanted to amend this because they did not have any intention of
29 cutting anybody else. You know, part of the confusion here,
30 inadvertently cutting out other people of Unit Y, they didn't
31 intend to do that, they intended to amend this. So I think
32 that would be a point well taken by Lee.

33
34 CHAIRMAN MILLER: So will you withdraw your second?

35
36 MR. GOOD: Yeah, I'll withdraw it.

37
38 MR. MATHEWS: Well, you haven't heard the other
39 comments or whatever. I don't know, has the motion been
40 withdrawn then?

41
42 MR. L. TITUS: Yeah.

43
44 MR. MATHEWS: Okay. I'm not saying the comments are
45 going to change here but.....

46
47 MR. FLEENER: We didn't hear all the comments.

48
49 MR. P. TITUS: There's no comments.

50

00223

1 MR. FLEENER: Well, you got ADF&G.

2

3 MR. MATHEWS: The ADF&G and we got.....

4

5 MR. FLEENER: And then public comments. We haven't
6 gone through those.

7

8 MR. MATHEWS: We got Denali SRC.

9

10 MR. FLEENER: The SRCs.

11

12 MR. P. TITUS: Okay.

13

14 MR. L. TITUS: Make a motion to defer this to the
15 Southcentral Regional Council.

16

17 MR. MATHEWS: Okay, and we've already heard the
18 analysis part of it. The comments, I don't know if the State's
19 here, if they want to speak.

20

21 MR. GOOD: Second.

22

23 MR. MATHEWS: I don't know if the State's here, I'll
24 just summarize their comments. If they desire to change any --
25 on Proposal 32 they deferred action. Again they are deferring
26 action pending review of the communities which have customary
27 and traditional use in Unit 13. So it's the same thing as
28 before, they are deferring until there's a comprehensive study.

29

30 Summary of written comments. Wrangell-St. Elias did
31 take this up. They support the proposal as written. Remember
32 Wrangell-St. Elias you appointed a member to and it's part of
33 your region. The Commission recognizes that there are other
34 qualified users that should be granted positive C&T. Denali
35 Subsistence Resource Commission took this up at their recent
36 meeting on the 13th and they support 32 as written by unanimous
37 vote. And Hollis, did they meet yet on 33? Okay, I know we're
38 not on 33 but when we get there I'll note that. So that's all
39 the ones on there. There may be public here that wanted to
40 comment on this.

41

42 CHAIRMAN MILLER: Anymore questions or comments on
43 Proposal 32?

44

45 MR. P. TITUS: Question.

46

47 CHAIRMAN MILLER: Question's been called for. All in
48 favor of deferring Proposal 32 to Southcentral, signify by
49 saying aye.

50

00224

1 IN UNISON: Aye.

2
3 CHAIRMAN MILLER: Opposed same sign.

4
5 (No opposing responses)

6
7 CHAIRMAN MILLER: Motion carries.

8
9 MR. MATHEWS: Okay. That brings us up to Proposal 33
10 which is Unit 13 brown bear, the same thing as before. Meaning
11 that George is going to start.

12
13 MR. SHERROD: Okay. This is like the last one that we
14 dealt with yesterday, 33, this is going from a no determination
15 for black bear requesting a determination for rural residents
16 along that little stretch of road. Your action yesterday was
17 to send the proposal back to the proponents asking them to
18 clarify it. Currently they can take brown bear, postponing
19 action on this for a year is not going to make any difference
20 in terms of their ability. If a positive action on this would
21 limit other rural users from being able to hunt brown bear at
22 this time. I'll have to flip to what the official.....

23
24 MR. FLEENER: While you're doing that I'll make a
25 motion that we send this proposal back to the proposer.

26
27 MR. L. TITUS: Second.

28
29 MR. SHERROD: The primary conclusion was not to adopt
30 this proposal.

31
32 CHAIRMAN MILLER: Is there any other comments on
33 Proposal 33?

34
35 MR. P. TITUS: Question.

36
37 CHAIRMAN MILLER: Okay, question's been called. All in
38 favor of deferring Proposal 33, sending it back to the
39 proposers, signify by saying aye.

40
41 IN UNISON: Aye.

42
43 CHAIRMAN MILLER: Opposed same sign.

44
45 (No opposing responses)

46
47 MR. MATHEWS: Okay. That brings us up to Proposals 34,
48 35. Proposal 34 deals with customary and traditional use
49 determinations in Unit 13, caribou.

50

00225

1 MR. SHERROD: Okay. Proposal 34 would add Healy Lake
2 to the existing customary and traditional use determination for
3 Unit 13. 35 would add residents of Unit 20(D), excluding Ft.
4 Greely to caribou determination for 13(B).

5
6 The preliminary conclusions on the proposal was to
7 support 34 with the modification giving Healy Lake and Dot Lake
8 positive C&T for Unites 13(B) and (C). And to support 35 with
9 the modification that's basically a semantic rewording to
10 clarify that we're just adding residents of Unit 20(D) to the
11 existing body with the exception of Ft. Greely.

12
13 MR. FLEENER: So what we have written here is the Staff
14 recommendation opposes Proposal -- oh, that's 35 -- excuse me,
15 I'm sorry.

16
17 MR. GOOD: But it also says that. We're talking about
18 35 there too.

19
20 MR. FLEENER: Oh, we are.

21
22 MR. GOOD: And you're right to say that. If you go
23 back to the end and you look under the preliminary conclusions
24 and then again under the justification there's an entirely
25 different position taken.

26
27 MR. MATHEWS: That probably is just.....

28
29 MR. GOOD: I think it has to do with rejecting as
30 worded. Because the author of that one didn't realize that he
31 was eliminating people from that. I will not say anything
32 about who the author was.

33
34 MR. FLEENER: Oh, is that -- okay, that's who the
35 author was.

36
37 MR. MATHEWS: So in reference, the overhead and the
38 Page 294 in your book is misinterpreting the Staff
39 recommendation; it says oppose 35. We'll make that correction
40 there because the preliminary conclusion does not say that.

41
42 MR. FLEENER: So the Staff recommends to adopt with
43 the.....

44
45 MR. MATHEWS: Correct.

46
47 MR. SHERROD: With the modifications.

48
49 MR. FLEENER: Okay, I move to approve, what are we
50 doing 34 and 35 at the same time?

00226

1 MR. MATHEWS: Yeah.

2
3 MS. MEEHAN: I would, just for a point of information,
4 just so that you're aware of it. Apparently in the past there
5 has been a recommendation to exclude Ft. Greely and the
6 solicitor weighed in on that recommendation when it hit the
7 Board level and said that you cannot carve out part of a
8 community because Ft. Greely has more than just the military
9 associated with it. And so the solicitor did not go along with
10 that recommendation.

11
12 MR. GOOD: Question. What is associated with Ft.
13 Greely besides the military?

14
15 MS. MEEHAN: I'm just relating it as the solicitor said
16 it. And I'm just saying this, not to -- to say don't make the
17 recommendation, but just so that you're aware that this issue
18 has come up in the past and that that's the way the solicitor
19 came down on it. And so if you want to add something extra to
20 your recommendation to enhance the need to do that, it might be
21 helpful.

22
23 MR. FLEENER: You mean the need to exclude Ft. Greely.

24
25 MS. MEEHAN: If excluding Ft. Greely's important, it
26 may be helpful to add a little bit to your motion to do that.

27
28 MR. GOOD: But what I'm saying is that Ft. Greely,
29 which does not qualify for C&T.

30
31 MR. FLEENER: Ft. Greely already does not qualify for
32 C&T.

33
34 MR. GOOD: Yeah. But we might need to state that, is
35 that what you're saying?

36
37 MS. MEEHAN: Yes.

38
39 MR. FLEENER: Well, why would we need to state it
40 when.....

41
42 MS. MEEHAN: Because we've run into problems in the
43 past with this type of recommendation.

44
45 MR. MATHEWS: Is it clear to everybody? I suppose
46 that's what she's saying, she wants to make sure it's clear
47 that what your intent is so there would be time to add on to
48 the intent here.

49
50 MR. SHERROD: I think all you need is some wording

00227

1 saying that they don't meet -- Ft. Greely obviously doesn't
2 meet certain of the criteria, sharing, long-term use, da, da,
3 da, da.

4
5 MR. FLEENER: Why in the world do we have to say that
6 every time if everybody already understands that?

7
8 MR. SHERROD: Well, not everybody does. We're just the
9 messenger. Some of the people we take the message to don't
10 understand.

11
12 MR. P. TITUS: They don't understand and yet they're
13 making rules and regulations that I live by?

14
15 MR. GOOD: That's right.

16
17 MR. P. TITUS: There's something wrong. There's
18 something definitely wrong.

19
20 MR. GOOD: Mr. Chair.

21
22 CHAIRMAN MILLER: Go ahead Nat.

23
24 MR. GOOD: I move to amend the motion to add, with the
25 exception of Ft. Greely.....

26
27 MR. FLEENER: Actually I didn't even finish my motion,
28 so.....

29
30 MR. GOOD: Oh, didn't you?

31
32 MR. FLEENER: No.

33
34 MR. GOOD: Well, then.....

35
36 MR. FLEENER: Go ahead, you can do whatever you want to
37 do.

38
39 MR. GOOD: Mr. Chair, can I move that we adopt
40 Proposals 34 and 35 with the addition to Proposal, the
41 exception of Ft. Greely being made because they do not have a
42 positive C&T period. Does that meet the proposal?

43
44 MS. MEEHAN: Yeah.

45
46 MR. FLEENER: I second.

47
48 CHAIRMAN MILLER: Okay, seconded.

49
50 MR. FLEENER: This really bothers me that we have to go

00228

1 through this every time. I mean it's ludicrous that we have to
2 -- I mean I already feel -- it doesn't make sense that if
3 everybody realizes that this is not a subsistence community
4 that we have to keep pointing a finger at them and saying
5 you're not a subsistence community. I mean I think it's just
6 insane that we have to keep doing this over and over and over,
7 repeating the same exact thing. If people -- I mean we don't
8 have to do that for Fairbanks. If we made a C&T determination
9 there, nobody's going to say well you have to say something
10 about Fairbanks.

11
12 MR. SHERROD: Because Fairbanks is in the laws. It's
13 already left out. The one thing if you think that you'd like
14 to deal with this in one swoop, you could ask the Board to
15 conduct a C&T study of Ft. Greely, bring it in front of you
16 next time and then you say, you're out. And then you would
17 have all the evidence in front of you and then it would be
18 clean, it would become a non-subsistence community.

19
20 MR. FLEENER: And the reason that it is possible that
21 it is a subsistence community is because they just did not
22 address it?

23
24 MR. SHERROD: They're rural.

25
26 MR. FLEENER: What's the population of Ft. Greely.

27
28 MR. GOOD: Hey, it's declining I can tell you that.

29
30 MR. FLEENER: Whatever it is it's declining.

31
32 MR. SHERROD: I mean if you really look at the harvest
33 -- the State harvest records, Ft. Greely doesn't harvest a
34 whole heck of a lot of animals. I mean it's sort of -- I know
35 that there's an ill-feeling here and the perception of what
36 should be and what should not be, and I certainly agree with
37 it, but it's not really a big problem. It's a bigger boogie
38 man, you know, when you look under the bed, it's really.....

39
40 MR. FLEENER: But it's the same C&T problem that we're
41 going through over and over. I mean there's not going to --
42 it's the same exact thing. I mean it doesn't matter if they're
43 hunting, there's a lot of animals and if there becomes a
44 shortage we got to go through an 804 process anyways and
45 they'll be eliminated.

46
47 MR. L. TITUS: If there's no more comments I'll call
48 for the question.

49
50 CHAIRMAN MILLER: Okay, question's been called for.

00229

1 All in favor of adopting Proposals 34 and 35, with 35 amended.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN MILLER: Opposed same sign.

6

7 (No opposing responses)

8

9 CHAIRMAN MILLER: You want to take a break for lunch?

10

11 MR. P. TITUS: Lunch.

12

13 (Off record)

14

14 (On record)

15

16 MR. MATHEWS: Mr. Chairman, I think we left off on
17 Proposal 37. I think we need to -- yes, we do have a quorum
18 and I think Lee will be showing up.

19

20 MR. FLEENER: You don't get a quorum until we
21 reconvene.

22

23 MR. MATHEWS: Proposal 37 has to deal with moose. It's
24 requesting the revised C&T determination for Unit 13.

25

26 MR. SHERROD: Proposal 37 deals with Healy Lake and
27 it's request to have positive C&T determination for Unit 19.
28 The data suggests that Unit -- residents of Unit 12 with whom
29 Healy Lake are associated hunt along the Mentasta, down the
30 Glenn Highway and down the Nabesna Road.

31

32 When I wrote this proposal -- my conclusions and I'm
33 not going to go into Healy Lake because we sort of agreed that
34 it's a subsistence community is to reject it. And the basis
35 for rejecting it is the fact that in Unit 13, along the road
36 there are literally no Federal lands. If, in fact, Healy Lake
37 does hunt in that area then the logical thing would be to ask
38 for C&T in Unit 11. And I'd like to -- we can either reject it
39 or postpone it or whatever and I'll promise this group I'll try
40 to meet with Pat Saylor and straighten this out and we can have
41 a new proposal in front of you next fall. This one is not
42 going to cause -- it's not going to do anything for them.

43

44 MR. FLEENER: This will not do anything for them?

45

46 MR. SHERROD: There's no Federal land in that section
47 of Unit 13. So if they really are hunting the road -- get them
48 to request C&T for Unit 11, along the Nabesna Road.

49

50 MR. FLEENER: But I think the whole intent is to have

00230

1 their C&T determination recognized, not necessarily -- I'm
2 getting tired of seeing these.

3

4 MR. L. TITUS: What about Pat here, it's kind of hard
5 to see.....

6

7 MR. SHERROD: Well, I actually helped him draft this
8 one so I don't think -- I mean given the actions that we've
9 taken in this session in trying to accommodate them, I don't
10 see -- I can't perceive him having problems and I will meet
11 with him and we'll try to get this straightened. They do use
12 Unit 11, we'll try to get documentation and come back next
13 time.

14

15 CHAIRMAN MILLER: You want to motion to table or what?

16

17 MR. FLEENER: I make a motion that we send this back to
18 the proposer, Proposal 37.

19

20 MR. NICHOLIA: Second.

21

22 MR. FLEENER: Question.

23

24 CHAIRMAN MILLER: Okay, question's been called. All in
25 favor of.....

26

27 IN UNISON: Aye.

28

29 CHAIRMAN MILLER: Opposed same sign.

30

31 (No opposing responses)

32

33 MR. MATHEWS: Okay. That brings us up to Proposal 38.
34 And again, I suppose for the record you did have in your book
35 the Alaska Department of Fish and Game comments on.....

36

37 MR. FLEENER: Proposal 36?

38

39 MR. MATHEWS: No, I have 38 as your next proposal.
40 Okay, Proposal.....

41

42 MR. FLEENER: What page is that on?

43

44 MR. MATHEWS: 315.

45

46 MR. FLEENER: Sorry.

47

48 MR. MATHEWS: And Pete will have it up on the screen.
49 Proposal 38 has to do deal with Unit 13(E) and 20(C), C&T
50 determination. On this one Hollis Twitchell with Denali

00231

1 National Park will be presenting the analysis, and I encourage
2 that we go through the analysis and then get all the comments
3 in on that before you start deliberating on it. Thank you.

4

5 MR. TWITCHELL: Hollis Twitchell with Denali. Proposal
6 38 was submitted by Dan O'Connor in March last year. He
7 submitted a letter to the Federal Subsistence Board requesting
8 that an individual customary and traditional use determination
9 for moose on Federal lands within Denali National Park, Units
10 13(E) and 20. Dan O'Connor holds a National Park Service
11 subsistence use permit. However, he cannot harvest moose on
12 Federal park lands since he resides in Healy, a community that
13 doesn't have a positive customary and traditional use for
14 moose.

15

16 The Federal Subsistence Board normally makes customary
17 and traditional use determinations for fish and wildlife
18 populations based on past use of a community or an area. On
19 National Park Service lands, the Federal Subsistence Board may
20 determine customary and traditional use for fish and wildlife
21 populations on an individual basis. This provision within the
22 Federal subsistence management regulations was provided to
23 accommodate local rural subsistence users who are eligible to
24 use Park lands and Monuments, but happen to reside in a rural
25 community or an area that doesn't have a positive customary and
26 traditional use determination.

27

28 This provision hasn't been utilized before. This is
29 the first proposal coming forward for an individual exception.
30 There's no process established on how these are to be
31 evaluated. The analysis that follows comes from information
32 Pat O'Connor and Dan O'Connor submitted for the subsistence use
33 permits. In addition to that, they also were interviewed on a
34 couple of occasions to fill out some of their past historical
35 use. So since it's a first time in this process, I'll go ahead
36 and go through a narrative that describes what the O'Connor's
37 use was and then I'll go to the preliminary conclusions after
38 that.

39

40 The O'Connor families have depended on moose in Alaska
41 as their primary source of food for four generations. They've
42 regularly and consistently hunted for moose for 57 years in
43 Units 13 and 20. Dan O'Connor's grandfather came to Alaska in
44 1940 and he actively hunted for moose in Units 13 and 14. Dan
45 O'Connor's father, Pat O'Connor hunted for moose beginning in
46 1948 and has continued uninterrupted through 1997. Dan
47 O'Connor has participated in moose hunting since he was a young
48 child. Has actively hunted himself every year since 1971. Dan
49 is an eligible subsistence user who resided in McKinley Village
50 just off the east end of the Park before his move to Healy in

00232

1 1981. While in McKinley Village he was living with his father,
2 Pat O'Connor and was a subsistence user under that household.
3 Establishing his own household in Healy, Dan was issued a
4 subsistence use permit to use the Park lands. And Dan O'Connor
5 personally harvests moose every year. They have hunted,
6 harvest or shared moose every year, every fall season since
7 1940 to the present.

8
9 The family essentially hunts and traps all year,
10 depending on the seasons for fur bearers with documented use of
11 marten, ptarmigan, spruce hen, hare, bear, caribou and sheep.
12 Fall moose hunting activities have always been a regular family
13 event despite numerous regulatory changes and restrictions and
14 closures that have affected many of the traditional seasons and
15 use areas. Examples of such would be State land control use
16 areas, such as the area east of Healy where he lives, the
17 Lignite -- Healy-Lignite control use area is restricted to bow
18 hunting, bow and arrow hunting only. The Yanert control use
19 area just south of Healy and east of the Park, the McKinley
20 Village area is known as the Wood River control use area. It's
21 restricted to non-motorized access only. And then Park Service
22 regulations restrict the use of ATVs and aircraft as a means of
23 subsistence wildlife harvest on Park lands. Many of the winter
24 hunting seasons with relatively easy access to moose have been
25 eliminated in this area.

26
27 The O'Connor's traveled to the hunting areas by foot,
28 boat and/or ORVs to hunt moose. They also transport wildlife
29 resources using traditional ground access methods typical for
30 the area. Despite the many regulatory restrictions to the
31 seasons and bag limits and access methods for the areas that
32 are open to harvesting moose, the O'Connor's have continued to
33 maintain the reoccurring pattern of use within the area using
34 the traditional means of access which are characterized by
35 efficiency and economy of effort.

36
37 The O'Connor's hunted and harvest moose by reasonable
38 ground access to areas near their community in Units 13(E),
39 20(C) and 14. They hunted primarily in Unit 13 during the
40 early years of 1940, 1950s and the 1960s. Then they shifted
41 their primary use areas to Unit 20 and have been utilizing Unit
42 20 for the past 15 to 20 years. Major change occurred in 1988
43 with the State Board of Game, which passed a negative customary
44 and traditional use determination closing Federal lands in
45 20(C) to subsistence moose hunting for residents in McKinley
46 Village and the area between Parks Highway 216, 239. As a
47 result, from 1988 to the present, Dan O'Connor's family has
48 been excluded from subsistence hunting moose from Denali
49 National Park lands in Unit 20(C) and 13(E). During this
50 period the family was forced to travel further from their

00233

1 resident community of McKinley Village and Healy to hunt on
2 adjacent state land under the sport hunting seasons.

3
4 The O'Connor family generally hunt in the same
5 locations and travel further to other areas such as Willow,
6 Teklanika, Bull River and Tolavana only when necessary due to
7 the regulatory closures, restrictions, weather, water
8 conditions, availability of moose and competition from other
9 hunters.

10
11 The O'Connor's use all eligible parts of the moose.
12 Freezing. Freezing meat outdoors is done during the colder
13 months, and if that's not possible during the September moose
14 hunts, the meat is canned or stored, put in freezers to
15 preserve it. Some portions of it are also used by drying,
16 jerky. The O'Connor's use the same process that they learned
17 from -- Dan O'Connor uses the same process he learned from his
18 parents and grandparents and is passing those on to his son.
19 Such handling techniques are common both historically and
20 contemporary across the state.

21
22 Dan O'Connor's grandparents learned their hunting
23 skills in Alaska in the Palmer and the Glennallen area. Dan,
24 as a young boy accompanied his father and mother and often
25 other relatives long before he was actually old enough to hunt
26 himself. He has hunted moose every year since he was 10 years
27 old. And Dan O'Connor continues these traditions with his
28 family and is passing them along to his children.

29
30 In terms of sharing, they always shared their harvested
31 resources between family members and between non-family members
32 who participated with them on hunts. They traditionally share
33 their moose resources with annual community events such as the
34 potlatch, holidays and social gatherings. They also shared
35 their resources with their friends and neighbors when in need
36 and with those who assisted in processing, both on the hunt and
37 at home.

38
39 Moose are still used by the O'Connor family as a
40 primary source of meat but the family utilizes a wide variety
41 of subsistence resources, such as caribou, sheep, bear,
42 ptarmigan, spruce hen, hares, fish, and fur bearers such as
43 beaver, marten, fox, wolf, lynx and otter. Often multiple
44 generations and several O'Connor households participate in the
45 fall hunting processing activities. Approximately 85 percent
46 of Dan O'Connor's family meat comes from hunting. Typically
47 wildland resources provide five meals out of seven days per
48 week.

49
50 The preliminary conclusions. Testimony provided by Dan

00234

1 and Pat O'Connor provide adequate documentation that Dan
2 O'Connor has customary and traditionally harvested moose. His
3 family relies on a wide diversity of subsistence resources
4 since 1940, including the uninterrupted pattern of moose
5 hunting from 1948 through 1997. Dan O'Connor personally
6 participates in hunting moose since 1971 to present and he also
7 engages in hunting and trapping a variety of species. Records
8 indicate that he has primarily used Unit 20(C) for moose hunting.
9 He has been not able to use Unit 13(E) since 1987 due to
10 regulatory restrictions. However, this unit has been used in
11 the past by both himself, his father and his grandfather.
12 Comparatively, Dan O'Connor's subsistence practices are similar
13 to the other five Denali National Park permit holders in the
14 McKinley Village area or the nearby resident zone community of
15 Cantwell. Dan O'Connor and his family have established a
16 customary and traditional use of moose long before Dan's move
17 to the community of Healy. He should be granted an individual
18 exception to utilize subsistence resources from Denali National
19 Park within Units 13(E) and 20(C).

20
21 Comments received from the Alaska Department of Fish
22 and Game. Says do not support outside of park. Comments
23 deferred pending review of Staff analysis for National Park
24 portion. As a general rule, the Federal Subsistence Board has
25 authority to evaluate and recognize customary and traditional
26 uses on a community or area basis. The one exception to this
27 rule is for National Parks and Monuments where individual
28 determinations may be made. The Board does not have the
29 authority to make individual C&T determination for the
30 requester, that applies to all of Units 13(E) and 20(C).
31 However, the Board may make individual determinations for uses
32 of Denali National Park. Upon a positive C&T use
33 determination, this individual could participate in subsistence
34 uses within Denali National Park if he lives in the Park's
35 resident zone or if he qualifies for an individual permit from
36 the Park Service. Because residents zones individual 1344
37 permits do not apply to National Preserves, individual C&T use
38 determinations are unwarranted in these areas. C&T use
39 determinations for National Preserves should only be made on a
40 community or an area basis.

41
42 And the second comment received comes from the Denali
43 Subsistence Resource Commission. In your handout you had
44 yesterday, the Commission says, they support Proposal 38 as
45 written. As stated in the Commission's letter to the Federal
46 Subsistence Board dated March 29th, 1997, the Commission is
47 familiar with the O'Connor's family subsistence use of moose
48 resources from Denali National Park and believes his request
49 for an individual exception for use of moose from Park lands
50 should be granted by unanimous vote.

00235

1 That concludes.

2

3 CHAIRMAN MILLER: As it is now, is he eligible for
4 individual permit under a hunt in that area?

5

6 MR. TWITCHELL: Yes. He has a permit and has had
7 permits since 1981 when they moved to Healy, himself. Prior to
8 that he was under his father's permit.

9

10 CHAIRMAN MILLER: Okay, so he can.....

11

12 MR. FLEENER: Is that for the Park and not the
13 Preserve?

14

15 MR. TWITCHELL: The permit is for using National Park
16 lands. As a rural resident, he's eligible to use Preserve
17 lands.

18

19 MR. FLEENER: So what is this going to give him that he
20 doesn't have?

21

22 MR. TWITCHELL: The Park Service permit recognizes that
23 he is a subsistence user of the Park areas. What the permit
24 does then, it assimilates the Federal Subsistence Board C&T
25 determinations and that guides what species and what areas he
26 can hunt. So the Federal C&T determinations are a component of
27 the permit. In this situation he lives in Healy, which doesn't
28 have a C&T use for moose and so he's asking for an exception
29 that based on his past family's customary and traditional use.

30

31 CHAIRMAN MILLER: Staff recommendation.

32

33 MR. FLEENER: What does the Staff have to say?

34

35 MR. MATHEWS: Hollis covered that. The Staff -- the
36 draft analysis supports the proposal. Hollis already covered
37 the State's position on that.

38

39 MR. FLEENER: Right.

40

41 MR. MATHEWS: And Denali Subsistence Resource
42 Commission.

43

44 MR. FLEENER: It's going to be kind of strange when you
45 open up the reg book and there's an individual's name in there
46 under 13(E), Dan O'Connor. I mean it's -- I don't know how to
47 vote on something like this, it's so strange.

48

49 CHAIRMAN MILLER: You open up a whole 'nother can of
50 worms and you'll have everybody doing it.

00236

1 MR. NICHOLIA: Is there a motion on this?

2
3 MR. FLEENER: No, there's no motion on this.

4
5 CHAIRMAN MILLER: No, not yet.

6
7 MR. GOOD: Mr. Chairman, I move we adopt Proposal 38.

8
9 MR. NICHOLIA: I second it.

10
11 MR. FLEENER: So we can discuss it at least.

12
13 CHAIRMAN MILLER: Discussion.

14
15 MR. FLEENER: What kind of discussion is there?

16
17 MR. L. TITUS: Well, if we're going to do this for one
18 person for this Denali National Park, wouldn't there be a lot
19 of other persons that would want the same recognition that he
20 has -- that he's going to receive if we vote for this?

21
22 MR. FLEENER: Oh, yeah. Once we do this, everybody's
23 going to be filling out this type of stuff. Anybody that ever
24 hunted in the Park is going to be filling one of these out if
25 they don't live in a resident zone community.

26
27 MR. L. TITUS: We'll get the same proposal next year
28 from his neighbor.

29
30 MR. FLEENER: Yeah.

31
32 MR. TWITCHELL: Currently there are only two
33 individuals in Healy who have subsistence use permits from
34 Denali. Healy is not a resident zone community. There's not a
35 significant concentration of people who have subsistence use of
36 Denali.

37
38 MR. NICHOLIA: But wouldn't we be opening the door for
39 other residents in a non-resident zone community to do this
40 same thing? And we'll be dealing with these kind of proposals
41 down the road.

42
43 MR. SHERROD: Craig Entsminger did submit a proposals
44 this time for Wrangell-St. Elias along the same lines but the
45 Park Service -- I guess (indiscernible) would prefer to
46 postpone action on it due to staffing. I think there's.....

47
48 CHAIRMAN MILLER: Those were individual families
49 weren't they -- or they weren't individuals, they were family
50 C&T or something, wasn't it?

00237

1 MR. SHERROD: Right, along the same lines.

2

3 MR. NICHOLIA: But wouldn't Dan's family.....

4

5 MR. FLEENER: It would cover his whole family, like the
6 kids.

7

8 MR. GOOD: Mr. Chairman, I guess when I look at the
9 Park Service and I look how, over the years, they have shut off
10 hunting. I personally like it anytime that I see a man as a
11 predator reintroduced back into the Park. I don't see an awful
12 lot of impact on the available game there. Do you see this as
13 having any impact on the moose in this area?

14

15 MR. TWITCHELL: No, we don't. The number of people
16 with permits are not a lot, we have 16, I believe. So I don't
17 anticipate a major increase of.....

18

19 MR. FLEENER: Sixteen permits from non-residents only?

20

21 MR. TWITCHELL: Who live in other communities. Two of
22 them happen to live in Healy.

23

24 MR. FLEENER: So we'll be -- probably we'll see 15 more
25 of these coming down the road after we -- if we approve this?

26

27 MR. TWITCHELL: I don't believe so since the other
28 communities pretty much all have C&T uses for most of the
29 species.

30

31 MR. FLEENER: Oh, they do?

32

33 MR. TWITCHELL: Yes, they do.

34

35 MR. FLEENER: So Healy has -- there's one more
36 community, what other communities?

37

38 MR. TWITCHELL: We have individuals from Tanana.

39

40 MR. FLEENER: No, I mean that don't have a C&T
41 determination, just Healy?

42

43 MR. TWITCHELL: Primarily Healy. Most of the other
44 communities have. The community and area determinations for
45 the most part are doing a pretty reasonable job of identifying
46 users. The few exceptions would be a place like Healy. And
47 there's a potential for some communities that are right on the
48 border line, like Mckinley Village would be an example. But
49 Mckinley Village has C&T for moose and as the proposal was made
50 here, for caribou, they were recognized. So I don't anticipate

00238

1 a lot of other increases from Denali. Now, I can't speak for
2 Wrangell's, in terms of how many proposals might be coming
3 forth there. But we don't anticipate a lot from Denali.

4
5 MR. FLEENER: I wonder if a type of proposal or
6 something that would say that we would support C&T
7 determinations for people that can prove that they have a long
8 pattern of use and traditionally use the area, instead of doing
9 it individually and let the burden of proof fall upon the
10 individual and on the Park personnel to make that
11 determination. I mean it's just a thought I'm throwing out so
12 we don't have to deal with this individual basis, but say
13 something that -- something like people that can prove they
14 have a C&T use of the Park.

15
16 MR. MATHEWS: Are you.....

17
18 MR. FLEENER: I don't know what I'm saying but I'm
19 trying to avoid putting a person's name in the reg book, which
20 seems kind of strange.

21
22 MR. MATHEWS: Are you indicating that if they could
23 prove that they have customary and traditionally used the Park,
24 the process is now that they have to apply for a 1344 permit.

25
26 MR. FLEENER: Well, if they already have a permit but
27 are not able to use the Park for reasons like this, you know,
28 if they can prove a C&T based on some of the stuff this guy's
29 written and the criteria.

30
31 MS. MEEHAN: Craig.....

32
33 MR. FLEENER: I don't know.

34
35 MS. MEEHAN:one of the -- this has been a major
36 discussion that's been ongoing between the Park Service and the
37 Board and it's certainly not resolved yet. It's an interesting
38 wrinkle, if you will, in the regulations that there is this
39 1344 process which kind of does the same thing as the
40 subsistence program. And it's just one of the things of trying
41 to figure out how to meld it. One of the suggestions that has
42 come out of that is simply for the Board to adopt the 1344
43 permits that the Park Service has issued and basically say --
44 make a Board determination that anybody presently with a 1344
45 permit by default has a subsistence -- is a qualified
46 subsistence user.

47
48 MR. FLEENER: Because to get a 1344 permit you have to
49 prove.....

50

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1 MS. MEEHAN: Exactly.

2

3 MR. FLEENER: That's basically what I'm saying.

4

5 MS. MEEHAN: So essentially -- so if you want to make a
6 motion to that effect, you know, just to underscore that, hey,
7 this is a nice way to go, you know, we think you should do it.

8

9 MR. FLEENER: I like that a whole lot better than
10 giving individual permits. Because it does -- I mean
11 individuals C&T determinations. Because I mean that could go
12 on for ever and ever. And this is just one park, there are
13 several other parks around that may have eight or nine other
14 people that are going to be submitting these so who knows. I
15 like that idea though, what do you guys think?

16

17 MR. P. TITUS: Sounds good.

18

19 MR. GOOD: The only question I would have here is if we
20 don't act on him and we put this through as a proposal, would
21 we be not allowing him to hunt this following year potentially?

22

23 MR. TWITCHELL: That's exactly why Dan wanted his
24 proposal to be heard at this cycle. As you can see he's been
25 impacted upon since '87 and '88 and.....

26

27 MR. FLEENER: Well, couldn't we amend his proposal to
28 say 1344 permit holders and that.....

29

30 MR. TWITCHELL:the idea if he didn't get some
31 response.....

32

33 MR. GOOD: Then he could be denied.

34

35 MR. TWITCHELL:at this cycle it may be one or two
36 more years before he gets relief. So even though there's
37 dialogue going on between maybe a policy that would allow
38 authorization, he desired his request be moved forward so he
39 could have an answer one way or the other.

40

41 MR. FLEENER: When he had to go outside of the Park to
42 hunt was he unsuccessful in his hunting?

43

44 MR. TWITCHELL: He's been successful. He knows the
45 resource, he knows the land very well and he has been
46 successful.

47

48 MR. FLEENER: So he's getting his moose, it's just he
49 has to go a little further away?

50

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1 MR. TWITCHELL: That's correct.

2

3 MR. FLEENER: Or actually he doesn't have to go further
4 away because there's State land all around Healy, he just wants
5 to hunt in the Park because there's not that many other people
6 going in there, there's probably a lot of moose.

7

8 MR. GOOD: Mr. Chairman, I think he's also made the
9 point that he wants to be able to hunt where his father and
10 grandfather hunted too.

11

12 MR. FLEENER: Makes sense.

13

14 MR. GOOD: You know, it seems to me like we could pass
15 this with an addendum recommending that in the future they not
16 have to come to us but should be covered by 1344 permits.

17

18 MR. FLEENER: I just don't like the idea of seeing an
19 individual's name in.....

20

21 MR. GOOD: I agree.

22

23 MR. FLEENER:the book.

24

25 MR. GOOD: I agree. But at the same time I don't see
26 us denying because we don't like to see his name in a book.

27

28 MR. FLEENER: Well, I think if we amended this to say
29 1344 permit holders are granted a C&T determination, that would
30 cover Dan O'Connor.

31

32 MR. GOOD: If the Board acts favorably on that.

33

34 MR. FLEENER: Well, I don't know if the Board will act
35 favorably on this one either.

36

37 MR. GOOD: But at least he's definitely got a shot.

38

39 MS. DETWILER: One suggestion might be to act on that
40 proposal specifically, say that you support Dan O'Connor's
41 proposal and then do a separate motion saying you support a
42 more global approach and have that motion also attached to your
43 -- to that proposal when it goes before the Board. You can
44 cover all your bases that way.

45

46 MR. FLEENER: Well, I don't think -- I know where
47 you're coming from, but I don't think Dan O'Connor's losing
48 opportunity. He's losing opportunity in one spot, but I mean
49 he can go out his back door in 20(A), I guess and go hunt. He
50 can go out his front door in 20(C) and go hunt. He just can't

00241

1 go down the road a little ways to Denali and hunt. I don't
2 know what to say. I agree with your point, he wants to hunt
3 where his father hunted and I can appreciate that. But I don't
4 think we're -- I don't think he's going to not be able to hunt
5 if he waits one more year and our 1344 thing might pass and it
6 will cover everybody. I just don't like the idea of a person's
7 name in the reg book. It just doesn't look right.

8
9 MR. MATHEWS: Well, I think what needs to be shared
10 here is there has been a long history of the O'Connor family on
11 this issue. And Lee can embellish how many times the O'Connor
12 issue -- at that time it was Pat O'Connor, but whatever, the
13 O'Connor issue has been before this Council and it's been
14 before the local advisory committees for a long, long time.
15 It doesn't mean that you're not correct, it just means that
16 you're asking him to carry an additional burden until or if
17 this policy gets adopted.

18
19 MR. FLEENER: What kind of a burden would he be
20 carrying?

21
22 MR. MATHEWS: He wouldn't be able to hunt there where
23 he's been able to hunt before. The analogy I could give you is
24 that you would be told on the Refuge that you could only hunt
25 on Native Corporation lands until we resolve a refuge issue.
26 And you'd say, well, maybe I don't really like that, well,
27 we're not denying you opportunity, you can still hunt. I don't
28 want to speak for O'Connor at all, but that would be a
29 similar.....

30
31 MR. FLEENER: Well, I think I would have different
32 feelings if he was living in the middle of Denali National Park
33 and it was real big and it was hard to get other places, but
34 he's surrounded by land where he has plenty of opportunity.
35 And that's -- I'm looking at that because I'm looking at this
36 book and he -- actually Healy doesn't even touch Park land,
37 it's close, but it doesn't touch Park land. And the only Park
38 land that's close to him is closed to subsistence anyways. So
39 he must have to go quite a distance to -- or some distance to
40 access Park land.

41
42 MR. NICHOLIA: And I believe there is other people in
43 Region 9 that has been trying to get access and that, we'll be
44 dealing with more than we would actually let out -- deal with.

45
46 MR. GOOD: Mr. Chairman.

47
48 CHAIRMAN MILLER: Go ahead, Nat.

49
50 MR. GOOD: Correct me if I'm wrong here, but as I

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1 understand it there are a limited number of 1344 permits.
2 There should be a very limited number of people who can, in the
3 future, qualify for them. And there can't be much of an impact
4 at all. As I understand it, there were two in Healy?

5
6 MR. SHERROD: Yes.

7
8 MR. GOOD: We're looking at two people.

9
10 MR. FLEENER: Well, I'm not even concerned about
11 impact. I don't.....

12
13 MR. GOOD: You're just looking at the name now.

14
15 MR. FLEENER: I'm just looking at the fact that there's
16 going to be a name and everybody in the state's going to say,
17 these people are a bunch of idiots, why are they putting
18 individual names in the reg book. That's what I'm looking at.
19 Not that I care if somebody calls me an idiot, that's happened
20 before. But it just doesn't look right, it doesn't sound
21 right. I don't know much else to say than that. But I think
22 we can at least try to address his concern by adopting some
23 sort of a 1344 C&T link. Because if they've already gone
24 through the process, all we're doing is recognizing it. And
25 it's one Federal agency to another. You would think they would
26 already have that covered.

27
28 MR. TWITCHELL: Our intention was to move this forward
29 to the Board through a special action. But the decision was
30 that it should be put into a proposal and brought to all the
31 Regional Councils prior to it going to the Board. So that's
32 the reason why it's ended up in your lap. It really wasn't
33 designed to be a proposal as such, it's just the way the Fish
34 and Wildlife Service wanted to deal with it.

35
36 CHAIRMAN MILLER: Yes, Connie.

37
38 MS. FRIEND: Mr. Chairman, I don't know.....

39
40 MR. FLEENER: Can you come to the microphone, please?

41
42 MS. FRIEND: Yes. I don't know this man and it's not
43 an area that I'm familiar with either. But I think that it's
44 important for this group to consider that this is a man who has
45 very well documented his C&T qualifications and that these are
46 the rules. You know, this is what's been setup as -- this is
47 the process. This is what you must do in order to have these
48 privileges. And I think that it's important for this body to
49 consider, you know, whether you want to be another part of the
50 great bureaucracy that has Catch-22's hidden here and there and

00243

1 another place or if you want to deal fairly with each person
2 or, you know, each group that you want to be fair to everybody.
3 It seems to me that this man deserves your support. Thank you.
4

5 MR. GOOD: Mr. Chairman, I've got another point here,
6 too. That the reality is that this is going to have to go
7 through Southcentral, right?
8

9 MR. MATHEWS: Yes.
10

11 MR. GOOD: Because it is -- we are talking about 13(E).
12

13 MR. FLEENER: 20(C).
14

15 MR. GOOD: It's not something that we can ultimately
16 can -- it will have to be in Glennallen next month, too, so
17 that's just another aspect on it.
18

19 MR. MATHEWS: Now, I hope that's not indicating any
20 type of deferral because.....
21

22 MR. GOOD: No, I'm just.....
23

24 MR. MATHEWS:I don't think it would be wise.
25

26 MR. GOOD:noting that.
27

28 MR. FLEENER: I don't like to defer things, I hate
29 doing that.
30

31 MS. DETWILER: Bob Gerhard just pointed out something
32 that might help alleviate Craig's concern, which is that the
33 blue book doesn't necessarily have to mention his name. So the
34 public wouldn't necessarily see communities and areas and then
35 Dan O'Connor's name. So I don't know if that alleviates your
36 concern a little bit.
37

38 MR. FLEENER: The blue book might not say it, but the
39 official record will say....
40

41 MR. GERHARD: The Federal Register wouldn't have to
42 say.....
43

44 MR. FLEENER: Right.
45

46 MR. GERHARD: Yeah. That this is a.....
47

48 MR. FLEENER: Just a synopsis.
49

50 MR. GERHARD:a summary, a synopsis.

00244

1 MR. FLEENER: I understand. So we'd just be hiding
2 something instead of -- I appreciate -- I don't know what your
3 name is, but I appreciate.....

4
5 CHAIRMAN MILLER: Connie.

6
7 MR. FLEENER: What?

8
9 CHAIRMAN MILLER: Connie.

10
11 MR. FLEENER: Connie, I appreciate what you said, but I
12 think that, unless they don't act on it favorably, the Board, I
13 think that trying to get them to adopt the 1344 process would
14 cover him. And that would be us showing favor towards him and
15 not only him but other 1344 folks. If we just say him, we're
16 going to have to go through this again and again, maybe, and
17 again. But if we just do it once and say we'd like to
18 recognize 1344 permits as customary and traditional, then we
19 could do it in one swipe.

20
21 MR. NICHOLIA: Can we just vote this proposal down and
22 use that? Use what he said.....

23
24 MR. FLEENER: It's a matter of a motion.

25
26 MR. NICHOLIA:as a reason for.....

27
28 MR. FLEENER: Or you could just make an amendment that
29 we adopt the 1344 -- or ask that -- go ahead.

30
31 MS. MELDRUM: I just have a comment on your fix for
32 that so that you don't have to deal with these individually.
33 The seven people that have applied for individual C&T's for
34 Wrangell-St. Elias, many of those people live in resident zones
35 so they don't have a 1344 permit. So that fix wouldn't
36 necessarily help them. And also if -- since 1344 permits only
37 apply to the Park lands and not the Preserves, then if you tied
38 the C&T to the 1344 permits and the person wanted access to all
39 of a unit that included Park and Preserve, it wouldn't give
40 them that either.

41
42 MR. FLEENER: Well, we would recognizing their -- we
43 would be basically giving them a C&T determination based on
44 their 1344, which means we would recognize them as customary
45 and traditional. So wouldn't that cover the Park and Preserve.

46
47 MR. TWITCHELL: A couple of points to consider is that,
48 although, we issue 1344 permits to people who do not live in
49 resident zones, there isn't anything that restricts or
50 prohibits the Park Service from issuing a 1344 to someone who

00245

1 is within a zone. So if you wanted to tie this authorization
2 that way, it's certainly possible for us to do that for people
3 in resident zones. And I believe that situation has occurred
4 in Wrangell's from individuals who wanted that acknowledgement.

5
6 MR. FLEENER: Would a motion like what I'm talking
7 about work for that?

8
9 MR. TWITCHELL: We could make it work.

10
11 MR. FLEENER: Well, we don't want there to be any grey
12 area, you know, we don't -- you might understand what we're
13 talking about now, but in seven years when they read this and
14 some guy tries to do something he'll say, well, what the heck
15 happened here? So we do want a clear motion.

16
17 MR. TWITCHELL: In the case of individuals who have
18 1344's, they've shown ample documentation that they are
19 legitimate subsistence users.

20
21 MR. FLEENER: So if they request it, you are basically
22 not denying it, if they've proven it?

23
24 MR. TWITCHELL: If they have ample documentation that
25 they have a personal or history pattern use then they have --
26 are issued a permit. Now, people in resident zones are
27 blanketed just by virtue of living within those zones, they're
28 eligible. So there are certainly people within zones who may
29 not have a well documented pattern of use. So if you tie that
30 exception to a 1344, then it would be responsible for the
31 individuals to show that use. There may be people in resident
32 zones who couldn't have a demonstrated history like this. So
33 maybe asking for an individual exception might not be
34 appropriate there.

35
36 CHAIRMAN MILLER: Do you want to go on with that
37 amendment or what?

38
39 MR. NICHOLIA: I'd sure hate to deny these people if
40 they were trying for a long time, but I sure hate to make a
41 loophole for other people to exploit.

42
43 MR. GOOD: Mr. Chairman.

44
45 CHAIRMAN MILLER: Go ahead, Nat.

46
47 MR. GOOD: I don't know quite how it should be worded
48 properly, but I think it would be very good if we did make such
49 an amendment based on the 1344 permit. Because the individual
50 still has a chance to have this passed in the Region 2, which

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1 actually should be acting on this anyway and he would have
2 support from our amendment position anyway.

3
4 CHAIRMAN MILLER: Do you want to make an amendment?

5
6 MR. GOOD: Well, I'm not quite sure how to word it.

7
8 MR. L. TITUS: Would an amendment to delete Dan
9 O'Connor and then put the 1344 permit holders.

10
11 CHAIRMAN MILLER: For utilizing the 1344 permit
12 process?

13
14 MR. FLEENER: To have the Federal Subsistence Board
15 recognize a C&T determination for 1344 permit holders,
16 something like that. Is that your amendment?

17
18 MR. GOOD: That sounds good to me.

19
20 MR. FLEENER: I'd consider it a friendly amendment so
21 we don't have to -- so it could be part of the main motion if
22 the person who seconded it does.

23
24 MR. GOOD: I certainly do.

25
26 CHAIRMAN MILLER: Are we all clear on that now?

27
28 MR. TWITCHELL: That's correct. And in that
29 situation.....

30
31 MR. FLEENER: You just drop Dan O'Connor's name and
32 made it a 1344, that the Subsistence Board does accept 1344
33 permits as C&T.

34
35 MR. L. TITUS: So we support the original motion with
36 the modification?

37
38 MR. P. TITUS: I want them to understand that we're not
39 -- that we're saying this guy could go ahead and hunt, but
40 we're not naming him by name.

41
42 MR. FLEENER: Right.

43
44 MR. L. TITUS: Okay. That's what I want to be clear
45 about because you know what the Board will say.

46
47 MR. FLEENER: I just don't know what the Board would do
48 with a name in there.

49
50 MR. GOOD: Mr. Chairman, the Board may very well get

00247

1 both. One from Southcentral with his name and one from us with
2 it changed to 1344. But at least they have alternatives to
3 choose from.

4
5 MR. FLEENER: Southcentral will see our amendment
6 though.

7
8 MR. MATHEWS: Yes, they'll see our amendment.

9
10 MR. FLEENER: Yeah, they'll see our amendment.

11
12 MR. MATHEWS: So if I understand it, where it says
13 there, and Dan O'Connor, it would say and qualified 1344
14 permittees for Unit 13(E) and Unit 20(C).

15
16 MR. P. TITUS: Did he ever apply for this permit, 1344?

17
18 MR. FLEENER: Yeah, he's had a 1344. He just doesn't
19 live in a community that allows him to use it.

20
21 MR. P. TITUS: Oh, okay.

22
23 MR. FLEENER: For certain animals. Question.

24
25 MR. MATHEWS: Well, was there a second to the.....

26
27 MR. FLEENER: Yes.

28
29 MR. MATHEWS: Oh, it was a friendly amendment, I'm
30 sorry.

31
32 CHAIRMAN MILLER: Okay, the question's been called.
33 All in favor of Proposal 38 with the amendment.

34
35 IN UNISON: Aye.

36
37 CHAIRMAN MILLER: Opposed same sign.

38
39 (No opposing responses)

40
41 MR. MATHEWS: I think you may want to just briefly look
42 at the motion that was -- or idea suggested that you would like
43 to have 1344 permits in general, qualify it.

44
45 CHAIRMAN MILLER: Yeah.

46
47 MR. MATHEWS: I don't know if you want to do a global
48 one now.

49
50 MR. FLEENER: What?

00248

1 MR. MATHEWS: Meaning if you get the four from Wrangell
2 to come forward as individuals, then you would have to -- I
3 suppose, do you want to make a motion to that policy question
4 is what I'm asking. The policy question that in the
5 future.....

6
7 CHAIRMAN MILLER: We can deal with that later.

8
9 MR. MATHEWS:all 1344 -- qualified 1344
10 permittees would automatically have a C&T determination.

11
12 MR. GOOD: Okay, I so move.

13
14 MR. FLEENER: So move what?

15
16 MS. MEEHAN: Vince, I've got that as part of the motion
17 that this will apply globally. I mean I thought that was the
18 intent of the.....

19
20 MR. MATHEWS: No. Because I asked them specifically
21 would it replace Dan O'Connor and for 20(C) and et cetera and
22 13(E), so -- maybe I'm lost.

23
24 MR. P. TITUS: We already voted on it.

25
26 MR. GOOD: Yeah, it's already in there.

27
28 CHAIRMAN MILLER: Could we have.....

29
30 MS. MEEHAN: Let me read you what I wrote down and see
31 if this catches what you intended. Adopt Proposal 38 to
32 include Dan O'Connor as an individual, with amendment that the
33 Board should recognize 1344 permit holders as legitimate
34 subsistence users with rights to subsistence.

35
36 MR. FLEENER: No, we dropped Dan O'Connor's name.

37
38 MS. MEEHAN: Okay.

39
40 MR. MATHEWS: So it would basically just say at the end
41 there, instead of saying, and Dan O'Connor, it would say and
42 qualified 1344 permittees.

43
44 MR. GOOD: Right.

45
46 MR. FLEENER: Yeah, we'll address the other ones as
47 they come up with it.

48
49 MR. MATHEWS: Or you can ask the Board now to adopt a
50 policy so you don't have those to come before you. This would

00249

1 go forward as a proposal. I didn't -- I sensed that you wanted
2 to make a motion on asking the Board to establish a policy on
3 all 1344's, if not, then we can move on.

4
5 MR. GOOD: Well, I think that that was the intent of
6 this motion that we did. That they would adopt.....

7
8 MR. FLEENER: It would be a good idea to.....

9
10 MR. GOOD:a policy from this.

11
12 MR. FLEENER:do this once so we don't have to do
13 it again.

14
15 MR. GOOD: Yes. That's why I said, I so move, we could
16 do that. It takes 30 seconds.

17
18 MR. FLEENER: Well, we're going to debate it for 45
19 minutes.

20
21 MR. GOOD: No, no, not from me.

22
23 MR. FLEENER: I'll second that motion.

24
25 MR. GOOD: I'll sit here very quietly.

26
27 CHAIRMAN MILLER: Okay, it's been moved and seconded.
28 Discussion.

29
30 MR. FLEENER: Question.

31
32 CHAIRMAN MILLER: Question's been called. All in
33 favor.

34
35 IN UNISON: Aye.

36
37 MR. GOOD: Did you write all that down Vince?

38
39 MR. MATHEWS: No. I just have to note it here because
40 I know Rosa's getting it. We have enough backups in the tape.

41
42 MR. GOOD: Okay.

43
44 MR. MATHEWS: But we need to go on to the next
45 proposal. And I think we need to thank Hollis for presenting
46 the.....

47
48 MR. FLEENER: Thank you, Hollis, for presenting
49 the.....

50

00250

1 MR. GOOD: It was a cooperative effort.

2

3 MR. FLEENER:it was a wonderful cooperative
4 effort.

5

6 MR. L. TITUS: It was a very informational piece
7 of.....

8

9 MR. TWITCHELL: Dan has been waiting a long, long time.
10 I hope this resolves things for him.

11

12 MR. MATHEWS: Okay, I'm catching up with you guys. I
13 believe you already disposed of Proposal 36.

14

15 MR. FLEENER: Yes.

16

17 MR. MATHEWS: That brings us up to Proposal -- now, are
18 we putting these together -- okay, I needed to consult with my
19 colleagues. Proposal 69 and 70 are the next ones. And I
20 believe both of them deal with black bear, customary and
21 traditional use determinations for Unit 21. And obviously 21
22 is not within your region but because of overlaps and because
23 of the location of, like Tanana, as an example, this is why
24 these proposals are before you.

25

26 MR. SHERROD: We're going to try to focus in on why
27 this proposal is relevant to this area. Again, it deals with
28 black bear. You have this handout I gave you, you got a number
29 of pages with little pluses and minuses and ND for no
30 determination. This basically identifies communities that have
31 a positive determination for some resource, communities that
32 lack any sort of positive determination and then those
33 communities that by de facto have positive determinations
34 because of a no determination.

35

36 I've summarized the demographics of those. And
37 basically for Unit 21 we have, within the Interior 12,298
38 individuals on the Delta or within the Yupiks we have another
39 7,071. There are minimally six and probably seven native
40 entities -- groups that use this area. The reason for looking
41 at existing C&T's is because since 1976 we've only had 14 black
42 bear reported being harvested in all of Unit 21. There's not a
43 reporting requirement so we can't go to the harvest tickets and
44 find out who's using the area. And basically going through a
45 fairly lengthy Staff analysis on each of these groups
46 documenting the eight factors and the use, sharing and all of
47 this other stuff, we come to the primary conclusion just,
48 towards the end -- the primary conclusion basically includes
49 those communities that have demonstrated either the harvest of
50 the resource from one of the different sources or have

00251

1 currently have a positive C&T determination for some resource
2 in that area.

3
4 Of particular interest to this group is Unit 21(B) and
5 21(C), those two areas, the primary conclusion or the
6 recommendation is to include Tanana with a positive C&T
7 determination for the harvest of black bear in those areas.
8 And I would defer to the honorable gentleman from Tanana to say
9 if we one of these other units was an oversight, that they
10 should be added.

11
12 MR. NICHOLIA: You mean in Unit 21?

13
14 MR. SHERROD: Yeah. Currently the recommendation is
15 for Tanana, a positive determination in 21(B) and 21(C), but
16 not 21(A), (D) or (E).

17
18 MR. NICHOLIA: Not 21(A) or (D)?

19
20 MR. SHERROD: Or (E).

21
22 MR. NICHOLIA: Or (E). Well, to prove some points
23 here. There's been people that's related by blood all the way
24 to Koyukuk from Tanana. I don't see why Unit 21(D) should be
25 excluded from Tanana residents, because I have -- I have seen
26 people and heard people kill black bear way down river. Even
27 further up the Koyukuk River too. And we have gone down as far
28 as Galena and then killed black bears around there, too.

29
30 MR. SHERROD: Okay. Then I would suggest that if a
31 motion's made to adopt this that that modification be included
32 in there based on local knowledge. But it's not in the other
33 data that I have.

34
35 MR. MATHEWS: Okay. The public comments, the State did
36 comment on these two proposals. Let me grab those real quick
37 here. Defer action, the Department of Fish and Game recommends
38 action be deferred on this proposal, again, pending a
39 comprehensive review of which communities have C&T use of black
40 bear in 21(A) and 21(E). Pretty much that's their bottom line,
41 we'll just leave it at that, defer until further study. That's
42 Fish and Game. I know of no other written comments and I don't
43 think there's any public here that wants to comment on this.

44
45 MR. L. TITUS: So we adopt this proposal as it is
46 written and then Tanana residents would be eligible to.....

47
48 MR. SHERROD: You'd amend it to add Tanana to 21(D).

49
50 MR. L. TITUS: 21(D), oh, okay.

00252

1 MR. MATHEWS: Well, if your question is, would adopting
2 this allow them to hunt under Federal regs, is that your
3 question?

4
5 MR. L. TITUS: Um-hum.

6
7 MR. MATHEWS: Well, they already can, it's a no
8 determination.

9
10 MR. GOOD: Mr. Chairman.

11
12 CHAIRMAN MILLER: Yeah, Nat.

13
14 MR. GOOD: In fact, they're -- under the State regs
15 there's a three bears and no close season.

16
17 MR. MATHEWS: And that the same applies.....

18
19 MR. L. TITUS: That's the same for us?

20
21 MR. GOOD: Yeah.

22
23 MR. NICHOLIA: But I'd say, just keep it with 21(C) and
24 21(B). Because along the river is mostly we travel; there is
25 no Federal lands along the Yukon River from Galena and Ruby.
26 Because most -- sometimes the Ruby gas station is closed and we
27 have to go all the way to Galena to gas up and go back up.
28 Sometimes. If we're lucky we'll see something on the river.

29
30 CHAIRMAN MILLER: Go ahead, George.

31
32 MR. SHERROD: Pete, based on his personal knowledge of
33 the area has just informed me that there are two families in
34 Tanana he personally knows travels into 21(D) to take bear. So
35 it would seem wise to amend it to include 21(D).

36
37 MR. NICHOLIA: Yeah.

38
39 MR. FLEENER: So (B), (C) and (D), at least?

40
41 MR. L. TITUS: So moved to amend.

42
43 CHAIRMAN MILLER: So you're moving to accept Proposal
44 69 with the amendment to add 21(D)?

45
46 MR. FLEENER: To include 21(D).

47
48 MR. L. TITUS: Yes.

49
50 MR. FLEENER: 21(B), (C) and (D).

00253

1 MR. L. TITUS: Um-hum.

2

3 MR. FLEENER: Second.

4

5 CHAIRMAN MILLER: Okay, moved and seconded. Anymore
6 discussion?

7

8 MR. P. TITUS: Question.

9

10 CHAIRMAN MILLER: Question's been called. All in favor
11 signify by saying aye.

12

13 IN UNISON: Aye.

14

15 CHAIRMAN MILLER: Opposed same sign.

16

17 (No opposing responses)

18

19 CHAIRMAN MILLER: Okay. Proposal 70.

20

21 MR. MATHEWS: Seventy, we took those up together, I
22 believe.

23

24 MR. SHERROD: Sixty-nine and 70 were taken up together
25 as one.

26

27 MR. MATHEWS: So I think your motion covers both 69 and
28 70 or you can say, the action taken on 69; whichever you want.
29 It's clear to me and I believe it's clear to Rosa that you're
30 recommendation effects both 69 and 70.

31

32 MR. L. TITUS: Right.

33

34 MR. MATHEWS: Okay, then that brings us up to another
35 proposal. Proposal 77 deals with customary and traditional use
36 determinations for moose in 21(B) and (C). And we do -- let me
37 check to see if we have any public comments, well, Fish and
38 Game is neutral so I'm out of it. George will bring up the
39 analysis and then we'll go forward.

40

41 MR. SHERROD: Okay. This is basically a clarification.
42 If you look at the map that's on Page 353 and you can see
43 Ruby's sort of in about the 2:00 o'clock, it sits right on the
44 line. The fact is that the road that runs through Ruby is the
45 line, so technically Ruby is in both 29(D) and 29(B). So under
46 the existing determination, just because the wording of that,
47 half of -- or a portion of Ruby's -- the town residents are not
48 qualified to hunt moose in 29(B) and (C).

49

50 MR. FLEENER: 21.

00254

1 MR. SHERROD: Oh, excuse me 21. This would simply
2 clarify that by mentioning them specifically in the regs and
3 that's all it does.

4
5 MR. FLEENER: The only change is to add Ruby?

6
7 MR. SHERROD: Yeah. To make sure that Ruby -- that we
8 recognize the fact that it sits on a border and it needs to be
9 -- that other part of it needs to be recognized in regs.

10
11 MR. FLEENER: Does it even effect us?

12
13 MR. SHERROD: Not really.

14
15 MR. FLEENER: It doesn't effect us?

16
17 MR. SHERROD: Well, it effects you to the point that
18 Tanana is -- has a determination there so you're looking at it.
19 But it's just a change in wording, it's just clarifying the
20 regulations.

21
22 MR. FLEENER: I make a motion to do something with
23 Proposal 77 -- approve is the right word.

24
25 MR. GOOD: And I'll second it.

26
27 CHAIRMAN MILLER: All right, moved and seconded.
28 Discussion.

29
30 MR. NICHOLIA: Question.

31
32 CHAIRMAN MILLER: Question's been called. All in
33 favor.

34
35 IN UNISON: Aye.

36
37 MR. MATHEWS: I'll assist you with the next one.
38 Remember with the request for reconsideration, there's no need
39 to take action. You just need to be informed of it and if you
40 want to take action, it's Page -- oh great.

41
42 MR. SHERROD: 358, no, that's the analysis, I'm sorry.

43
44 MR. MATHEWS: It's Page 1 right after 355. Anyways
45 it's getting late in the meeting and I apologize for laughing
46 here. But anyways, this is a request for reconsideration
47 dealing -- isn't this the one with -- yes, this is the one with
48 sheep that we dealt with last year and there was quite a bit of
49 discussion on that. Your position was to support adoption of
50 the proposal, Fish and Game is requesting reconsideration. You

00255

1 don't have to take action on it unless you feel that what the
2 State has brought up.....

3
4 MR. SHERROD: I'd just like to point out that the
5 State's challenge here is to none of the communities effected
6 by this region. That they're challenging basically the
7 including of certain Unit 26 communities, but they aren't
8 challenging the inclusion of Anaktuvuk Pass, which falls within
9 your perspective or the existing determination on any other
10 ones. So it really hasn't -- the State's challenge is not
11 effecting your region or communities within your region.

12
13 MR. FLEENER: Thank you for the update.

14
15 MR. MATHEWS: Okay. I mean if that's okay with
16 everybody? Because there was quite a bit of discussion about
17 it. I pushed to have it in front of you because of the fact
18 that the State is questioning the data that was used. So if
19 this did go forward then they'd be revisiting Chalkyitsik, Ft.
20 Yukon. Okay, thank you.

21
22 Now, I'm at a loss, we have no more proposals.

23
24 MR. P. TITUS: Well, then we can go home.

25
26 MR. MATHEWS: No, no.

27
28 MR. P. TITUS: If you direct us.

29
30 MR. MATHEWS: I will direct you -- I won't direct you
31 anywhere. Well, let's go into it, the next section is the
32 annual report. And that's under Tab R as in rapid or Rampart.

33
34 MR. FLEENER: Rappin Rodney.

35
36 MR. MATHEWS: Okay. I don't -- well, yes, okay, I get
37 it. You go to Tab R, you're going to see a series of letters.
38 These letters, I'll just briefly, for the record, I won't read
39 them or whatever I'll just brief what they are. From your last
40 annual report 1996, a lot of your items were deferred to
41 different agencies. The first letter is a deferral to the
42 Alaska Department of Fish and Game addressing your need for
43 removing beaver dams and that. So this was the direction to
44 that.

45
46 Following that is a letter from Elizabeth Andrews of
47 Alaska Department of Fish and Game to Chuck Miller concerning
48 this. I'll just leave it in front of you. I don't know if
49 you want me to explain what that is. I mean it is a Yukon
50 Flats issue, Craig's here, et cetera. And Bob Stephenson is

00256

1 here somewhere or at least he was; there he is. So it explains
2 what options you have to remove beaver dams. That's the second
3 letter that's under there. The third letter is referral to
4 refuges which is a program within Fish and Wildlife Service.
5 And that's also dealing with the beaver dam request and then a
6 response. And then the following letter of January 15th, which
7 is a letter from the acting assistant regional director of
8 refuges explaining what options that are there.

9
10 So I don't know where to go with this. Maybe I'm going
11 too fast with you. But basically these are responses to those
12 requests.

13
14 MR. GOOD: A lot of dam stuff.

15
16 MR. MATHEWS: What?

17
18 MR. GOOD: A lot of dam stuff.

19
20 MR. MATHEWS: And I don't know, maybe Craig knows of
21 this or not, I don't know, there is a referral in here that
22 this issue has been referred to the refuge manager and to work
23 with tribal governments to develop local management agreements.
24 Maybe when he comes up to do an agency report you may want to
25 ask the status of that, I don't know.

26
27 If you have specific questions about removal of beaver
28 dams, Bob Stephenson is here, but again, that's a -- it's a
29 Yukon Flats specific issue. And if the representative from
30 Yukon Flats is comfortable with the letters we'll just move
31 along.

32
33 Okay. I'll walk you up to the next letter that goes to
34 the National Marine Fisheries Service. You have consistently
35 talked about factory trawlers and other issues dealing with
36 offshore fisheries. This is a letter that's been referred to
37 the National Marine Fisheries. And it's just a referral to
38 them to respond.

39
40 Okay. The only response that we've gotten from the
41 National Oceanic and the Atmospheric Administration of the
42 National Marine Fisheries is the swan here from Steven
43 Pennoyer, I believe it is. And they're looking at your letter
44 and will try to get a response. I've not received any response
45 to date. I don't know if any other Staff has. Sometimes
46 there's letters and they arrive to me later than other Staff, I
47 don't think there is any.

48
49 MS. MEEHAN: We haven't seen any.

50

00257

1 MR. MATHEWS: Okay. I know I'm going through this
2 rapidly. These are important issues, but you do have copies of
3 the letters. Okay, now, I need to slow down. You now should
4 be at the draft report, your annual report. This has been
5 shared with the Chair and I need to walk you through just a
6 couple of items. For the record, the way we've done this is
7 you give topics to the Staff, basically me, I flush these out,
8 write them up and then I run them by your Chair and then
9 they're back before you at this time, your late winter meeting,
10 for your pretty much final approval with editing between the
11 Chair and myself.

12
13 So if you look at Page 1 of that draft report. Again,
14 these are my interpretations going over notes and transcripts,
15 so if I don't capture it right or I go different than your
16 intent, this is your chance. The question I have is paragraph
17 two, where I said, we appreciate receiving a timely response to
18 our report items. The next sentence, is that okay with you?
19 We are disappointed with the vague responses to our 1996 annual
20 report recommendations. We would appreciate, whenever
21 possible, a clear yes or no. Is that all right with you? I
22 kind of felt that I was going out on a limb there and I don't
23 want to.....

24
25 MR. FLEENER: That's what we asked though.

26
27 MR. MATHEWS: That's what you asked though, okay. All
28 right, I'll put that okay and cross it, all right.

29
30 MR. P. TITUS: It sounds too radical.

31
32 MR. MATHEWS: Well, I don't want to.....

33
34 MR. P. TITUS: But sometimes you have to be.

35
36 MR. FLEENER: We're a radical bunch, though, right?

37
38 MR. MATHEWS: Again, though I don't want to make it
39 light.

40
41 MR. P. TITUS: That was good.

42
43 MR. MATHEWS: All right. And the record reflects that
44 Philip Titus is a valuable member in his statements.

45
46 MR. P. TITUS: Put that in your annual report, okay.

47
48 MR. MATHEWS: Okay. The next one, when I put these
49 little brackets in with parenthesis, so I need input. So I'm
50 reaching out to the Regional Council now. I only took the

00258

1 example of the response that the Cooperative Management Group
2 from the Yukon Flats. Do you want to revisit the annual report
3 topics of establishing a shared management committee in
4 establishing a cooperative management group for Yukon Flats?
5 You don't have to, they were in your '96 report. I just didn't
6 know if you wanted those to come in this.

7

8 MR. L. TITUS: Isn't this what Steve brought up at the
9 -- or who brought this up?

10

11 MR. MATHEWS: Yes. Steve brought up the response,
12 which I'm kind of jumping ahead and back on this, the response
13 was that the Board acknowledge that you requested shared
14 management and a cooperative management group. The response
15 was, in your opinion, vague, of saying we support local
16 management efforts and would pay to have a Council member go.
17 But it wasn't clear to you, is that meaning do you support a
18 shared management committee or -- that I think was for the
19 whole region, do you support a cooperative management group for
20 Yukon Flats. It wasn't clear in that response that the Board
21 supported that, they just support local management efforts. So
22 it doesn't have to be in there, it's fine not to have it in
23 there, but I didn't know. Not have it in?

24

25 MR. FLEENER: It sounds good.

26

27 MR. L. TITUS: I don't know in the minutes of the last
28 meeting though there was a -- in the wood bison thing, there
29 was a strong opinion that Steve made. That we go along with
30 the project as long as there's tribally manage -- co-manage --
31 he wanted tribally managed in there.

32

33 MR. MATHEWS: Yes. Not -- the issue before you is a
34 cooperative management group for the Flats, which could address
35 bison, but would address all the issues. I believe that was
36 the move -- or the reason for having it.

37

38 MR. L. TITUS: I think what Steve said that time, he
39 wanted to have the tribal governments involved in the
40 management process decisions, making decisions, so the tribal
41 governments could be involved through co-management.

42

43 MR. MATHEWS: But it sounds to me that you want that
44 one in there; is that a fair assessment?

45

46 MR. L. TITUS: Yeah.

47

48 MR. MATHEWS: Okay. So I'll put okay on that one for
49 the shared management committee. So for the record everyone
50 seems to be shaking their head yes that we would add both the

00259

1 shared management committee and the other. I got it, okay.
2 It's hard editing by groups so I'm trying to do it as easy as I
3 can. I may not be succeeding.

4
5 MR. FLEENER: Just headshakes, um.

6
7 MR. MATHEWS: Then we get down to your co-management
8 section on that Page 2. You had a draft copy of the co-
9 management concept, this will cover another agenda item, we'll
10 get it out of the way, that you requested be sent to all
11 village councils. I sent it to all village councils, plus
12 other individuals, we've gotten no comments back on it. Now,
13 that doesn't mean anything. I'm just giving you that status
14 report on it. But to incorporate this into your annual report,
15 we can keep it as a draft or you could make it a final. I
16 wrote this up as a final. So the -- I suppose the better way
17 of doing it would be to look at your draft co-management
18 concept and decide if that's what you want as your final and
19 then all I have to do is pull out that one paragraph and it's
20 ready to roll. But that would take a motion to do that.
21 Because your concept is -- it's touching on new grounds and I
22 would just be more comfortable if I had to deal with a motion
23 and the passage of it.

24
25 MR. NICHOLIA: We've been fighting for co-management, I
26 mean talk to Steve, we've been fighting for co-management to
27 include tribal entities for a long time. I think it's about
28 time, if we have to, we might as well just stick our neck out
29 and back that up. Do you want me to make the motion?

30
31 MR. MATHEWS: I kind of hear that you're making a
32 motion then to approve your draft co-management concept, is
33 that it?

34
35 MR. GOOD: And its submission?

36
37 MR. MATHEWS: What?

38
39 MR. GOOD: And its submission.

40
41 MR. MATHEWS: And its submission, okay.

42
43 CHAIRMAN MILLER: Anymore discussion?

44
45 MR. P. TITUS: Question.

46
47 CHAIRMAN MILLER: Question's been called. All in
48 favor.

49
50 IN UNISON: Aye.

00260

1 MR. MATHEWS: Okay. Again, I'm writing for you. Maybe
2 I get it wrong, maybe I get it right, I don't know. In there,
3 it wasn't clear when I reviewed the transcript and notes, did
4 you desire -- it's the last sentence of the paragraph, the
5 second paragraph under co-management and I'll read it slow to
6 understand it. I know that you were soliciting their support
7 for the concept, but are also -- you want their endorsement. I
8 wrote it down that you want your endorsement in support in
9 gaining adoption by the Eastern Interior land managing
10 agencies, Federal, State, Native; is that reflective of what
11 you want? Because support is one thing, endorsement is
12 another, and then also getting additional support.

13
14 MR. P. TITUS: You're getting too technical.

15
16 MR. MATHEWS: Well, no, I have to go before the Board
17 with this. Anyway, okay.....

18
19 MR. FLEENER: Would this more or less help our co-
20 management?

21
22 MR. MATHEWS: More or less this reflects the co-
23 management. I didn't know if you wanted endorsement of the
24 Board. I don't expect the Board to endorse it. You know, I
25 can't speak for the Board, they may or may not.

26
27 UNIDENTIFIED VOICE: Whatever will push along the co-
28 management.

29
30 MR. MATHEWS: Okay. For the record, it appears to be
31 that by consensus all are approving the wording that is there
32 on Page 2. Okay. Now, we're up to, and I don't want to
33 revisit the issue, we spent plenty of time on it. And so I'll
34 ask Rosa to help on this also, we're up to the request in your
35 annual report to resubmit your feelings on C&T determinations.
36 Your resubmittal was that you want it done by area, not by
37 species. We talked several times throughout this meeting about
38 a three-step approach and about different ways of doing that.
39 Do you want that in the annual report, what you've talked
40 about, the three-step approach and, I hope.....

41
42 MR. FLEENER: Yes.

43
44 MR. MATHEWS:Rosa can get it correct with me,
45 too.

46
47 MR. FLEENER: Yes.

48
49 MR. MATHEWS: Was the first step would be that you're
50 passing motions or recommendations, excuse me, to do C&T's by

00261

1 adjacent subunits based on long-term pattern of use.

2

3 MR. FLEENER: And we've actually already passed one
4 motion that said we want the Board.....

5

6 MR. MATHEWS: Okay.

7

8 MR. FLEENER:to look at other options.

9

10 MR. MATHEWS: Okay. So the other options would then
11 collapse into regional C&T's and other means of recognition?

12

13 MR. FLEENER: Yes.

14

15 MR. MATHEWS: Okay. Because I have to write this with
16 Chuck; other means of recognition could be by policy, by
17 resolution, by other means.

18

19 MR. FLEENER: I think that it's open for us to work on
20 it. I think that's the plan, to sit down and work on it
21 somehow.

22

23 MR. MATHEWS: Okay. Then it should reflect in the
24 record then that the other means is that you would like to work
25 with the Board on other means?

26

27 MR. FLEENER: Work with the Board and maybe we could
28 get together, some of the Council members could get together
29 and discuss some possibilities. Is that possible?

30

31 MR. MATHEWS: Right. What's ticking in my head here is
32 what I said earlier. You're asking the Board -- you want
33 something changed, but you're not saying how, so you're giving
34 them the how. Is that okay with you and not in the examples
35 of.....

36

37 MR. L. TITUS: To make our determinations.

38

39 MR. MATHEWS: To make other means of recognition.
40 Okay, so then you're -- could I insert there examples of policy
41 resolution as examples?

42

43 MR. FLEENER: Sure.

44

45 MR. MATHEWS: Okay. With that, I -- the final thing I
46 need from the Council -- historically, right, that's right, not
47 traditionally. Historically, I have CC'd this annual report to
48 the Secretary of the Interior. The Secretary of Interior has
49 forwarded -- or not forwarded, has delegated his authority to
50 the Board. Do you want me to continue to send copies to the

00262

1 Secretary of Interior on your annual report?

2

3 MR. FLEENER: He's out of the loop now?

4

5 MR. MATHEWS: I wouldn't say he's out of the loop, he's
6 delegated his authority. I just always sent him a copy.

7

8 MR. FLEENER: I'd say, yes, keep sending him a copy.

9

10 MR. L. TITUS: Yeah, might as well.

11

12 MR. FLEENER: Even if this guy's trouble, the next one
13 can answer his mail correctly. I'd still send it up the
14 ladder.

15

16 MR. MATHEWS: That's really all I have on the annual
17 report. I'm going to leave that one alone.

18

19 MR. FLEENER: Do we need a motion to accept that?

20

21 MR. MATHEWS: Yes, I'm sorry.

22

23 MR. FLEENER: I make a motion that we accept the annual
24 report.....

25

26 MR. MATHEWS: With all the modifications.

27

28 MR. FLEENER:with the modifications.

29

30 MR. GOOD: I second.

31

32 CHAIRMAN MILLER: Second. Discussion.

33

34 MR. FLEENER: We've already discussed it. Question.

35

36 CHAIRMAN MILLER: Question's been called. All in
37 favor.

38

39 IN UNISON: Aye.

40

41 CHAIRMAN MILLER: Okay.

42

43 MR. FLEENER: Let's take a five minute break.

44

45 CHAIRMAN MILLER: Five minute break.

46

47 (Off record)

48 (On record)

49

50 MR. MATHEWS: Mr. Chairman, the next item on the agenda

00263

1 is your Regional Council charter. You have a biannual charter
2 that every two years it needs to be approved. If you would
3 turn to Tab S on charters. Let's see, what's the best way to
4 deal with this. The three topics that we need your attention
5 on, you went through this last fall. You gave your comments or
6 suggestions on what to do on the charter. The three ones that
7 directly are of concern to you are alternates, compensation for
8 members and rural residency.

9
10 Okay. For alternates, you have requested and it's in
11 your draft charter, it does not mean it will be approved, that
12 your charter going to the Board would be nine members and nine
13 alternates. Okay.

14
15 MR. P. TITUS: For here?

16
17 MR. MATHEWS: For here, correct. Your position has
18 been that -- other Councils have been no alternates or two
19 alternates, you're the only one that's asked for a complete
20 second -- what we've termed a shadow council. I suppose I'll
21 just do it this way, is your position still to have nine
22 alternates?

23
24 Okay. The record should reflect that it does.

25
26 MR. FLEENER: I've always thought that it'd be a good
27 idea to have a couple alternates, but I've had a problem with
28 them being appointed by the Secretary of the Interior.
29 Because, you know, we come from -- we all come from distinct
30 areas and I thought that an alternate should come from the same
31 place of the person he is replacing because he needs to bring
32 those issues up that are important in that area. I just wanted
33 to voice that opinion.

34
35 MR. MATHEWS: The process could not directly address
36 his concern, i.e., you serve for the whole region, there's not
37 a seat for Ft. Yukon, there's not a seat for Delta-Junction.

38
39 MR. FLEENER: This is true, but if you look back in
40 many of the proposals that we've addressed, we've often times
41 gone back to people from those communities and we've directed
42 that information be gotten from people in the area. So
43 although we do represent all of Region 9, we have practiced
44 trying to get information from the people specifically in that
45 area because we all know our knowledge is limited to the area
46 where we're from.

47
48 MR. MATHEWS: The only other thing, it sounds like the
49 Council still wants to say on that so then that would go
50 forward. And then we'll probably have a motion at the end to

00264

1 adopt the whole charter as reflected in here with any changes.

2

3 The other thing I need to mention on that, just so you
4 know, because it will address nominations. We average, and I'm
5 guessing now, between nine and 11 applications for your whole
6 region. If you have three seats open and nine alternates, we
7 don't have enough people applying. So I am going to encourage
8 you now and save it -- and not bring it up as an agenda item
9 when it comes up, for nominations, that we need your assistance
10 in getting people to apply. If you know of anybody that would,
11 there's applications available, we can get it to them and apply
12 for that.

13

14 MR. L. TITUS: Why would they have to apply to be an
15 alternate -- one of our alternates?

16

17 MR. MATHEWS: Because the appointments to the Regional
18 Council are made by the Secretary of Interior. The alternate
19 would have to be approved by the Secretary of Interior.

20

21 MR. L. TITUS: Well, if I wanted them to be my
22 alternate, I'd want them to bring the issues I carry to this
23 Council meeting. I wouldn't want to have to travel like to Ft.
24 Yukon and tell my alternate -- or travel to Fairbanks and tell
25 my alternate what my issues are. If they're going to be my
26 alternate, they'll have to carry my issues.

27

28 MR. MATHEWS: It would be the responsibility of -- say
29 you couldn't make it and you wanted to use an alternate, you
30 would be responsible to share those informations to that
31 alternate prior to it. That would be the responsib -- well,
32 it's not required you do it, but that's the only way your
33 concerns were to go forward is that it would be that you would
34 brief that person.

35

36 MR. P. TITUS: Would the alternates get all this
37 paperwork, too?

38

39 MR. MATHEWS: Let's see how did we address that in the
40 past. I think that the final -- not the final, the discussion
41 on that would be -- boy, I'm stretching it now, I think you
42 guys felt that they didn't need to have full training -- yes, I
43 think you wanted training, but they didn't have to attend
44 another meeting. To have them effective, if this was approved,
45 they would get all this material. Because if you didn't show
46 up and they would show up, so they would have to have the same
47 opportunity to prepare, otherwise they wouldn't be effective.
48 I mean just think if they got to this meeting with this phone
49 book here without seeing it before how overwhelmed, let alone
50 how possibly their effectiveness might be lower.

00265

1 MR. FLEENER: This is why we think that it would be
2 good for this person to be an alternate that possibly we
3 selected because we will be working with those people. A lot
4 easier than if my alternate was from Chicken.

5
6 MR. MATHEWS: All I can go by is the instructions I
7 have and I have gotten a nod from other Staff that the
8 Secretary would not delegate his authority to allow you to
9 appoint an alternate. He would be the only one that would do
10 that.

11
12 MR. FLEENER: Maybe we should put something like that
13 in our annual report, saying we want to do that.

14
15 MR. MATHEWS: Well, you could -- well, I don't know, I
16 don't want to say that.

17
18 MR. L. TITUS: Mr. Chairman.

19
20 CHAIRMAN MILLER: Go ahead, Lee.

21
22 MR. L. TITUS: How about as far as the alternates go,
23 go with the -- go along with the former Council members that
24 were already approved by the -- I mean like me, my term's going
25 to be up, you know. And if I'm not selected, then I could --
26 since I was already appointed by the Secretary previously, I'm
27 willing to go along as an alternate board member.

28
29 MR. MATHEWS: I don't think it would work because of
30 the fact that -- no, I don't think it would work. I don't
31 think it's an option. The Secretary would just have to
32 reappoint you as an alternate. It would not be -- I don't
33 think it could be limited to a pool of former Regional Council
34 members.

35
36 MR. NICHOLIA: Well, why we choose to have alternates,
37 we choose to have somebody to carry out our issues for us.

38
39 MR. MATHEWS: Correct. The way other Councils have
40 dealt with this when they looked at it -- now, I've only had
41 exposure to Western and I think one other on this, is they
42 immediately said, we have trouble getting a quorum, we have
43 inconsistency in attendance. Their answer was, no, we've had
44 no problem with quorum, everybody's attending; then why do we
45 need alternates. I can say, for your Council, that we've not
46 had any problems with quorums and we've had fairly good
47 attendance records. Now, that's not to say that you shouldn't
48 have alternates, but based on the logic that other Councils
49 have applied, they're saying, why do you need alternates.

50

00266

1 MR. FLEENER: Well, I make a motion that we drop the
2 alternates because I don't think it's a good idea to have an
3 alternate that's not going to know the issues, who's not going
4 to ever come to a meeting unless it just so happens that
5 somebody misses. And I think it's not a good idea to have them
6 if we're not going to be able to select them. That's my
7 motion, if it requires a motion to remove it.

8
9 MR. MATHEWS: It would help to have a motion on this.

10
11 MR. GOOD: I'll second that.

12
13 CHAIRMAN MILLER: Anymore discussion?

14
15 MR. P. TITUS: We almost didn't have one this meeting.
16 We almost didn't have a quorum because if something happened at
17 home, I wouldn't have come here and you guys would barely have
18 a quorum. And weather wise, say we couldn't all get to the
19 meeting, then what, we'd have to cancel it?

20
21 MR. MATHEWS: We would reschedule the meeting. We've
22 done that extensively in Western Interior.

23
24 MR. FLEENER: One thing that alternates won't do is
25 they're not going to be able to make it here if people just
26 don't show up. You're only going to be able to get alternates
27 if you have a week or two weeks notice to call them and make
28 plans. If people, like this time and other times, just didn't
29 come and we didn't know about it, you're not going to be able
30 to have them come as alternates. So if it's weather.....

31
32 MR. P. TITUS: Well, if it's an emergency at home, I
33 couldn't foresee an emergency.

34
35 MR. FLEENER: Right. Exactly. Or if it's weather,
36 you're not going to.....

37
38 MR. P. TITUS: Right.

39
40 MR. FLEENER:if you're snowed in one day you're
41 not going to be able to say, well, call up the alternate so I
42 say get rid of it.

43
44 UNIDENTIFIED VOICE: Question.

45
46 CHAIRMAN MILLER: Question's been called. All in favor
47 signify by saying aye.

48
49 IN UNISON: Aye.

50

00267

1 CHAIRMAN MILLER: Opposed same sign.

2
3 (No opposing responses)

4
5 MR. FLEENER: Next up.

6
7 MR. MATHEWS: Okay, boy all those long conversations in
8 the office on this one because you were the one that was
9 pushing -- well, anyway never-mind. But compensation for
10 Regional Council members. You'll note it's in there. There's
11 no page numbers, oh, well, a couple pages into your charter on
12 the right-hand side, it lists the amount, when funding is
13 provided by Congress, Regional Council members who are not
14 State or Federal employees shall receive compensation at a
15 daily rate of \$175 when engaged in actual performance of
16 duties. And you can read the rest of it. I'm pretty sure you
17 agreed with that.

18
19 MR. FLEENER: I'm a State employee, that means I'm not
20 going to get nothing?

21
22 MR. MATHEWS: I'll defer to Sue on that because there
23 was some discussion about.....

24
25 MR. FLEENER: Because the State's not paying me to be
26 here.

27
28 MR. MATHEWS: I think it's when you're on duty, I'm not
29 sure. You'd have to be -- if you took your own time off I
30 think is what it meant. Is that.....

31
32 MS. DETWILER: Yeah, right.

33
34 MR. MATHEWS: Did everyone get that. It would be if
35 you were -- you would be off the payroll taking time off.

36
37 MR. FLEENER: Yes, I would receive compensation or no I
38 would not?

39
40 MR. MATHEWS: You would receive -- okay, if you took
41 leave, you were not here in an official capacity.

42
43 MR. FLEENER: Okay.

44
45 MR. MATHEWS: Then you would get compensated, correct?

46
47 UNIDENTIFIED VOICE: Yes.

48
49 MR. MATHEWS: All right. Okay, the next thing is rural
50 residency.

00268

1 MR. FLEENER: It might need to be put in there because
2 it doesn't say, if you're not on -- well, I'm going to defer to
3 Sue on that because we had got -- not an opinion on this, but
4 we got kind of a concurrence that this.....

5
6 MS. DETWILER: The idea was to make it clear to the
7 Secretary that Council members needed to be compensated when
8 they had to take leave from their regular jobs. So that was
9 the idea.

10
11 MR. MATHEWS: I mean you can ask to add it in, I don't
12 want to overrun your.....

13
14 MR. FLEENER: But it does say -- it does say, Council
15 members who are not State or Federal employees shall receive
16 compensation. I am a State employee, so that means I will not
17 receive compensation.

18
19 MR. MATHEWS: Well, it may be wise to suggest that the
20 wording reflect what you.....

21
22 MR. FLEENER: Well, I make the motion that this wording
23 does not include members of the Council who.....

24
25 MS. DETWILER: I don't even know why that went in
26 there.

27
28 MR. FLEENER: Yeah, I don't -- I mean if we're up here,
29 apparently we're not serving in an official capacity at the
30 time.

31
32 MR. MATHEWS: There was some reason that came up and I
33 can't remember what the reasoning was that that had to be
34 inserted. Double dipping, I suppose is the basic line on it.
35 But, okay, then what was the motion?

36
37 MR. FLEENER: To put in there, except for Council
38 members who, I don't know, are on leave or I don't know how we
39 would.....

40
41 MS. DETWILER: Well, what you could say is just strike
42 the who are not State or Federal employees. Then it would
43 read, when funding is providing by Congress, Regional Council
44 members shall receive compensation at a daily rate of whatever.

45
46 MR. FLEENER: Okay. Strike who are not State or
47 Federal employees.

48
49 MR. MATHEWS: Is there a second?

50

00269

1 MR. P. TITUS: I'll second it.

2
3 MR. MATHEWS: All right.

4
5 MR. FLEENER: Question.

6
7 CHAIRMAN MILLER: Question's been called. All in
8 favor.

9
10 IN UNISON: Aye.

11
12 MR. MATHEWS: Okay. The last two topics, but one in
13 particular that's important to you is that at your last meeting
14 you wanted the requirement for rural residency added to that.
15 I need to read on the record or do something with this mic.

16
17 That request went forward last time. You were advised
18 at the last meeting and a couple other meetings that we had
19 opinions from the solicitor. So the question of rural
20 residency has previously been reviewed by the Regional
21 Solicitor's Office and the National Solicitor's Office at the
22 request of the Board. The Solicitor provided a formal legal
23 opinion in January 1997 saying that a rural residency
24 requirement for Regional Council was not allowed under ANILCA
25 and it was distributed. As a result of that correspondence,
26 the change would not be included in your draft charter.

27
28 MR. FLEENER: You mean ANILCA can allow for a
29 subsistence priority for rural residents but it cannot allow
30 for a rural residency requirement for selection of.....

31
32 MR. MATHEWS: Correct.

33
34 MR. FLEENER:Regional Council members?

35
36 MR. MATHEWS: The Solicitor's opinion was that it was
37 intentional that in Section 805 that ANILCA was silent on
38 membership. It just says resident of the region. And the
39 opinion was that that was intentional to allow all residents of
40 the region to have opportunity to participate in the
41 subsistence program.

42
43 MR. P. TITUS: You mean if I'm not reappointed,
44 somebody from Fairbanks could represent me that don't know
45 nothing about Minto Flats?

46
47
48 MR. MATHEWS: If you were not re -- we have had members
49 from Fairbanks on this Council.

50

00270

1 MR. P. TITUS: That don't know nothing about Minto
2 Flats and the people who use the resources? That's pretty
3 ridiculous.

4
5 MR. NICHOLIA: Well, I don't think a Fairbanks resident
6 would really represent outlying areas, rural residents and
7 stuff like that.

8
9 MR. MATHEWS: I don't want to revisit the conversation
10 from the past. But the last time you brought this up, there
11 are elders that have moved to Fairbanks, as an example, I
12 believe that was used last year, that they have the knowledge
13 and experience but due to whatever reasons moved to an urban
14 area. This rural residency requirement which would not be put
15 in your charter, but if it was and passed, they would not be
16 able to apply.

17
18 MR. GOOD: A lot of notes in there, but basically
19 that.....

20
21 MR. FLEENER: At least it doesn't say, may, that's even
22 worse.

23
24 MR. MATHEWS: So I'm just advising you of this. That
25 you requested rural -- rural would not be put in your charter,
26 you can request to put it in your charter but it will just be
27 not put forward. Because the law and the opinions of two
28 solicitors, even at the National level said.....

29
30 MR. FLEENER: So this has gone up already and now it's
31 back down to us saying we can't do it?

32
33 MR. MATHEWS: Right.

34
35 MR. FLEENER: Right. Then let's move on. We don't
36 need no action on that item.

37
38 MR. MATHEWS: Okay. The last one is -- so that's it
39 for your charter. So what I would need from you, the Council,
40 is a motion -- or pass a motion that you approve the charter
41 with the.....

42
43 MR. FLEENER: I make a motion that we adopt the charter
44 with the.....

45
46 R. MATHEWS:the two amendments.

47
48 MR. FLEENER:two amendments.

49
50 MR. NICHOLIA: Second.

00271

1 CHAIRMAN MILLER: Moved and seconded. Any more
2 discussion?

3
4 UNIDENTIFIED VOICE: Question.

5
6 CHAIRMAN MILLER: Question's been called. All in
7 favor.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN MILLER: Okay, we'll skip down to 19.....

12
13 MR. FLEENER: Fourteen.

14
15 CHAIRMAN MILLER:14(d), wood bison.....

16
17 MR. P. TITUS: 14(d)?

18
19 CHAIRMAN MILLER:introduction update.

20
21 MR. MATHEWS: Mr. Chairman, the wood bison one, and I
22 have talked to the Council member on this and et cetera, the
23 reason this is before the Council is because of your past
24 action dealing with -- was it beaver, you requested a letter be
25 sent to beaver -- that you supported the concept of
26 reintroducing wood bison to the Flats. I am also instructing
27 you that, in the opinions of this program, this is a management
28 issue and not a subsistence issue. Under Title VIII of ANILCA,
29 you can look at management issues and strategies. I would also
30 caution you that the time allotted to do this -- we have to be
31 cautious of that. And that's it, that's all I needed to do to
32 make sure.....

33
34 MR. FLEENER: I'll talk fast. I'm just basically
35 giving an update to the Council of where the wood bison process
36 is at. The Regional Council was involved with this because the
37 Beaver Village Council asked for support and this body
38 supported their concept of a reintroduction. And recently --
39 well, we've been working on this for a number of years since
40 1992 to try to get wood bison reintroduced into the Yukon
41 Flats.

42
43 And for years and year, the U.S. Fish and Wildlife
44 Service basically gave no response to whether or not they would
45 support or not support the project. And recently, in December,
46 a letter was sent from Regional Director, Dave Allen, basically
47 refusing to support the idea of the reintroduction. And some
48 of the reasons that they gave was that the wood bison is not a
49 Native animal. Wood bison were not part of the natural
50 diversity. And that there is no historical record. And they

00272

1 also raised some issues that we have already -- we believe we
2 already dealt with, including environmental and disease issues.
3 And the Alaska Department of Fish and Game, Bob Stephenson did
4 an environmental -- excuse me, he did a -- what did you do,
5 Bob?

6
7 MR. STEPHENSON: A feasibility assessment.

8
9 MR. FLEENER: A feasibility assessment, yes.

10
11 MR. STEPHENSON: Habitat assessment.

12
13 MR. FLEENER: And a habitat assessment. And at first
14 it appeared that Fish and Wildlife Service liked both of these
15 reports. They approved of them. They said that they were good
16 pieces of work. And now they're bringing these issues back up
17 again. And before I go too far with what I was going to read
18 and say, I need to get someone on the phone if Vince or Pete
19 would take care of that. We're going to be connecting with Dr.
20 Cormack Gates, who's the chairman of the Wood Bison Recovery
21 Team in Canada. He's also a bison ecologist with the Canadian
22 government. And he's visited Alaska, the Yukon Flats three
23 times and is of the opinion that the Yukon Flats is an
24 excellence place for wood bison to be reintroduced. And we'll
25 wait until we get him on the line. He's going to speak a
26 little bit about the disease issue because that's one of the
27 big concerns of U.S. Fish and Wildlife Service has brought up
28 recently. And so I asked him if he could speak on that.

29
30 (Trying speaker phone)

31
32 Anyways while he's trying, if you guys want to we
33 brought some bison bones with us and these are examples of some
34 of the bones that have been found in the Yukon Flats and
35 they're 1700 to 4500 years old found in the Yukon Flats. Feel
36 free to meander back there and take a look. Now, might be the
37 opportunity if you've never seen a bone.

38
39 (Trying speaker phone)

40
41 I'd like to introduce Dr. Cormack Gates. If you want
42 to say, hello, and what you've got to say Cormack -- or hold
43 on.

44
45 MR. MATHEWS: I think, Craig, we need to explain.....

46
47 DR. GATES: Okay, good afternoon everybody. Craig and
48 Bob had asked me to participate in your meeting to comment on
49 the issue of translocation of bacteria and other diseases with
50 bison in the Yukon Flats or into Alaska with bison from Algona

00273

1 (ph) National Park herd of wood bison. And very fortunately,
2 well, approximately two and a half weeks ago we went through a
3 workshop on this very issue over the possible moving of the zoo
4 with wood bison from Algonia Park north into the McKenzie bison
5 population of the Northwest Territories. Currently the
6 Northwest Territories government is considering accepting
7 bison, surplus wood bison from the same source of stock that
8 you folks would take the animals from. And they were concerned
9 about the potential range of diseases, everything from viruses
10 to bacteria to parasites that might be translocated with these
11 animals. So what we did is we culled together a group of
12 experts, Dr. Bill Samuel, for example a parasitologist from the
13 University of Alberta. Dr. John Robinson from the Veterinary
14 Pathology Lab in Vancouver, British Columbia. Dr. Stacy
15 Tesario, from the Animal Disease Research Institute with the
16 Agriculture of Canada. Dr. Ben Hoff, with the Agriculture of
17 Canada office in Calgary here. Myself. Dr. Brett Elkin from
18 the Northwest Territories who is also a veterinarian. And we
19 -- there's a couple of other people as well. And we fairly
20 thoroughly examined the range of diseases that might be
21 transplanted with animals from Algonia Park.

22
23 Just to provide you kind of a brief list starting with
24 the viruses, potential ones that we considered. I guess common
25 viruses that infect cattle. And as far as we know there is
26 only one that is, I guess, of concern or consideration here,
27 and this is the organism that causes bullvine virus diarrhea.
28 Fortunately, over the past two years, the Algonia National Park
29 wood bison herd has been tested for BVD and it is negative. So
30 that is no longer a concern. Malignant catarrhal fever has
31 been known to occasionally occur in herds of sheep,
32 occasionally outbreaks in some captive wildlife populations in
33 Alberta. It's again, a virus and it also does not occur at
34 Algonia National Park. As far as we know the other diseases
35 that commonly infect cattle, for example, parainfluenza virus
36 was not -- are also not present in the wood bison herd at
37 Algonia National Park, according to this group of experts.

38
39 The bacterial diseases that would be of concern, I
40 think, first and foremost, the burcelosis and tuberculosis.
41 There's a history of testing of the Algonia National Park herd
42 for those two diseases since 1971. And all of the populations
43 that have been derived from the Algonia National Park herd since
44 that time have also remained negative. And so tuberculosis and
45 burcelosis are not an issue here.

46
47 We went into the parasites that might possibly be
48 translocated. We expect there will be some of the
49 gastrointestinal or stomach and intestine parasite present in
50 any wildlife population. And they're common. For example, we

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1 did a study in the McKenzie herd and we found that there were
2 tape worms present and there were pin worms present and these
3 things are part of the natural background flora and they would
4 likely be transplanted with the bison. There was one organism
5 in the deer family, so this would be an elk white-tailed deer
6 and moose that is of concern, and this is the giant liver flu.
7 And what we are told by the veterinary experts is the giant
8 liver flu bison is a dead end host for the giant liver flu. In
9 other words, the flu cannot reproduce -- produce eggs in the
10 bison. So even if the bison was infected it would not infect
11 other animals, okay. And it may be present, but it would die
12 inside of the bison. Okay, so that's one that we could write
13 off.

14
15 When we went through the complete list of parasites,
16 there were only two that popped out as potential concerns. One
17 was the winter tick, and this is an arthropod type of a
18 parasite that lives on the skin, mainly of animals in the deer
19 family, the elk and the moose and the white-tailed deer in this
20 area. The bison is not a very good host for the winter tick,
21 although it is possible that winter tick could hitch a ride.
22 Doctor Bill Samuel from the University of Alberta, who I
23 mentioned is a parasitologist indicated to us that the winter
24 tick would probably have been transplanted north into the Yukon
25 back in 1953 with some elk that were brought from Algona
26 National Park. But in talking to Dr. Manfred Hoff from the
27 Yukon, he's indicated that those elk are not infected now. And
28 the idea is that in very cold climates this organism, this
29 winter tick cannot survive. So you might have to consult your
30 people, Dr. Randal Zarchy (ph) with respect to the distribution
31 of the winter tick there. But it is a natural parasite in
32 America in the deer family.

33
34 The other one and the only one that's currently of some
35 concern is the lung worm, and the Latin name for that one is
36 dictyocaulus, that's to separate it out from the lung worm, for
37 example, that occurs in musk-ox and in big horn sheep. So
38 dictyocaulus is present in the wood bison at Algona National
39 Park. We have done some investigation as to whether or not
40 it's possible to clean these animals up and treat them for it
41 before shipping them, and the word is that, yes, we can expect
42 a very high degree of success, a very low risk of transporting
43 the worm with the bison for any transplant if they're treated
44 twice beforehand with a couple of drugs that are available. So
45 that's the only one that we came up with of some concern.

46
47 Now, Bob Stephenson has consulted with Randall Zarchy
48 in Alaska and apparently dictyocaulus is already in Alaska and
49 has been found in moose. And Bob, you can correct me if I'm
50 wrong on this, also in the dall sheep. And so anyway, I guess

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1 our bottom line consideration in terms of transplanting the zoo
2 with bison is that there's a very, very low risk and anything
3 of concern to us is unlikely to be transplanted because it's
4 not present. I'll leave it there. Are there any questions?

5
6 MR. MATHEWS: We're thinking, just so you know the line
7 is still open.

8
9 MR. FLEENER: Did you hear that Cormack, we're still
10 thinking for awhile.

11
12 DR. GATES: Okay. All right, fine. I'll just hang in
13 here until there is some questions.

14
15 MR. FLEENER: Okay. Does anybody have any questions on
16 the disease issue. Greg, do you have any questions that you
17 know that.....

18
19 MR. McCLELLAN: I don't know any specific questions
20 that I could think of at this time.

21
22 UNIDENTIFIED VOICE: If these wood bison are
23 transplanted and these disease -- would -- would, like these
24 animals are already in this Arctic National -- if they already
25 do carry disease, they'd probably be.....

26
27 MR. FLEENER: Well, according to -- well, a question
28 that was asked was, if, in fact, a disease was brought over,
29 basically how would that affect the animals already in the
30 Yukon Flats?

31
32 DR. GATES: Well, I guess what one would have to be
33 concerned about is identifying what that disease might be.
34 Having gone through this workshop, you know, a very thorough
35 review of what diseases there are and considering the same
36 question, the group of experts could not come up with any named
37 disease or parasite that would cause a problem for either the
38 bison or for other wildlife in the area. And so I guess that's
39 really, in short, what the answer is to your question.

40
41 MR. FLEENER: Do you have anything to say?

42
43 MR. STEPHENSON: If we're done with the disease
44 question -- can you hear me all right, Cormack?

45
46 DR. GATES: Not very well, maybe Craig could repeat the
47 question.

48
49 MR. FLEENER: Bob will move to the microphone, hold on
50 a minute.

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1 MR. STEPHENSON: I thought -- if you can hear me now, I
2 thought maybe what would be useful -- I guess the point that --
3 which we've really worked hard on before, you know, with you
4 before is that based on your experience with booming bison from
5 Elk Island, we can establish essentially disease free herds
6 that stay that way. Because the bison that get the serious
7 diseases primarily from either infected bison or cattle. And
8 one of the appealing parts of the Yukon Flats is it's so far
9 from any cattle or infected bison. And we presently have
10 neither burcelosis, or TB in the state in wildlife. We don't
11 have any cases. So I guess that's the important thing. And I
12 guess that's still the case, that that stock is still healthy,
13 from what you're telling us.

14
15 DR. GATES: Well, that's right. And they've been
16 through extensive testing since 1971 in Canada here in order to
17 maintain burcelosis and tuberculosis pre-status for captive
18 ungulate populations. There's some very stiff requirements.
19 And they -- the one requirement is that on an annual basis, 10
20 percent of the -- a minimum of 10 percent of the herd must be
21 tested. Elk Island has been doing that for years on the wood
22 bison herd. All animals that are moved to other locations in
23 Canada are tested first for those diseases. They've always
24 been negative.

25
26 MR. STEPHENSON: Yeah. And in addition to the annual
27 monitoring of disease status, they get tested one more time
28 before they leave; is that right?

29
30 DR. GATES: That's correct, yes. And any animals that
31 are shipped out of there in every case are tested.

32
33 MR. STEPHENSON: Okay. And we require that in the
34 state to for import as well, we have policies on this side.
35 Well, I think if that satisfies everyone or if -- unless
36 there's questions about that, maybe another thing, just if you
37 could comment briefly, being familiar with the habits and means
38 wood bison, having worked with them for so many years, and also
39 after visiting the Yukon Flats three times and working with us
40 on our habitat assessment, how do you -- there's been some
41 concerns raised that maybe wood bison won't do well on the
42 Flats? Or that the habitat isn't suitable? I know you think
43 it's pretty good, but could you tell our audience here what you
44 think about the Yukon Flats as wood bison habitat?

45
46 DR. GATES: Well, I wish we had more of that over in
47 Canada because the easiest way to say it, the habitat in the
48 Flats, the grassland system, sedgeland (ph) systems appear to
49 be excellent to me and I wouldn't have any hesitation
50 predicated that there's going to be a great deal of success in

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1 that area. The only thing that could possibly interfere with
2 that and I don't believe this is the case in the Yukon Flats is
3 snow conditions. Your background analysis indicates that the
4 average snow depth there is about 24 inches or less, and that
5 doesn't constitute enough to cause a problem for bison. They
6 do very, very well in snow conditions like that.

7
8 I've worked in many bison ranges in Northern Canada,
9 been through the bison ranges in the Yukon, Northwest
10 Territories, Northern British Columbia and Northern Alberta.
11 And from what I say in terms of the number of forage species,
12 plant species present in the Yukon Flats and the arrangement of
13 habitat, what I saw there was equivalent to the best ranges
14 that we have here in Canada.

15
16 MR. FLEENER: Are there anymore questions. One
17 question that I have is how long has the herd at Elk Island
18 National Park been disease free?

19
20 DR. GATES: 1971 was when it tested free of diseases.
21 And it's been tested virtually every year since.

22
23 MR. L. TITUS: That's the ones we want.

24
25 MR. FLEENER: There was just a comment here that -- one
26 of the Council members said, that's the ones we want.

27
28 DR. GATES: It's probably the safest source of animals
29 you could imagine, it's been worked with extensively.

30
31 MR. FLEENER: Are there any questions? Yes, there's
32 one question.

33
34 MR. P. TITUS: After they're transferred would somebody
35 be monitoring them for disease and stuff?

36
37 DR. GATES: Craig, could you repeat that for me,
38 please?

39
40 MR. FLEENER: Sure. The question was, after the
41 animals have been reintroduced, would we be monitoring them for
42 disease? And I think Bob would probably need to answer that
43 one.

44
45 DR. GATES: Um-hum.

46
47 MR. STEPHENSON: Well, I think we could do as they've
48 done, I think in the McKenzie Sanctuary, periodically, every
49 few years we could randomly, you know, sample some animals with
50 blood tests and screen them to just see if anything's popped

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1 up. That's the kind of thing we could build into a management
2 plan, but I don't think we need to rigorously test, especially
3 barring any indication of disease. But we could periodically
4 do that. What do you think of that format, would that be
5 reasonable?

6
7 DR. GATES: Well, it certainly would be very
8 reasonable. There being so many success stories here in Canada
9 using animals from Algona, both wood bison and plains bison,
10 and in no case, have diseases turned up. I'll give you an
11 example, the pig mountain herd, which is a plains bison herd in
12 Northern British Columbia was established in 1971, 48 animals,
13 and it now numbers close to 2,000 animals. And they're taking
14 out 200 plus animals per year, hunters are, in that area. And
15 there's no sign of disease. They've been doing some testing
16 over the last couple of years and there's still no indication
17 of any of the cattle diseases present.

18
19 MR. FLEENER: Yeah. That's important to hear because
20 one of the concerns that I heard from one of the Fish and
21 Wildlife employees was that there's a concern of disease
22 popping up sometime down the road. Disease that we might not
23 know about that might come up and I didn't hear a name of the
24 disease, so I can't say what the person was talking about, but
25 that was a concern and it's good to hear that it doesn't sound
26 like that really is a concern.

27
28 DR. GATES: Well, I think it's important when dealing
29 with issues like this that are so important in the long-term to
30 the success of a project, to the integrity of an environment
31 and to the people who live in it, that you ask the hard
32 questions and the hard questions deal with -- I guess knowledge
33 of what diseases are potential -- potential problems. So it's
34 very important to pin people down when they talk about
35 diseases, and say, okay, fine, which one. This isn't going to
36 be some new disease that's imported from Africa or it appears
37 from outer space or something; this has to be something
38 tangible that is known. And particularly when you're dealing
39 with an enclosed population like the Algona Park with a known
40 health history, you have to be very, very specific about which
41 disease you're going to refer to.

42
43 MR. FLEENER: And it also seems like if these animals
44 are going to be moved to the Yukon Flats where there is no
45 cattle or no other bison with these diseases, that there's --
46 it would appear that there is no possible -- or I should say,
47 not no possible, but it doesn't seem very likely that a disease
48 would crop up.

49
50 DR. GATES: Well, quite the contrary. Actually with

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1 some of the parasites, anyway. I'll give you one example of
2 how a new population can actually lose parasites. Wood Buffalo
3 National Park has the lung worm present in its wood bison area,
4 okay. In 1963, 18 of those animals were brought over to Ft.
5 Providence area in the Northwest Territories and released and
6 that established the McKenzie population. From our testing, it
7 would appear that the lung worm has been lost. They did not
8 carry it out of -- they carried it over with them --
9 established there -- or it was lost through the process of
10 moving the animals. And part of that could be due to, I guess,
11 I'd call an environmental dilution effect; where you put
12 animals into an environment and there aren't a number of them
13 around to continue promulgating or maintaining infections in
14 the primary host. And so you can actually lose parasites by
15 transferring animals.

16
17 MR. FLEENER: That's really interesting. Well, are
18 there any questions? I guess there's no more questions. Do
19 you have any closing remarks?

20
21 DR. GATES: Yeah, I think just one closing remark
22 trying to encourage people, perhaps, with this project. The
23 Yukon Flats is currently not grazed by any grazing herds. You
24 know, I realize that there are moose present and occasionally
25 caribou might wander in the area and whatnot. But the
26 grasslands in that area are -- I guess provide a completely
27 open -- what ecologists refer to as a niche that isn't
28 currently being used. Now, that niche could be completed with
29 the presence of a grazing herd like the wood bison. And the
30 wood bison was the original herds in that system as well and
31 very recently in terms of geological time and even in terms of
32 human history it was eliminated from the system. So I'd
33 encourage folks to look very, very closely at putting this
34 magnificent animal back into that system again.

35
36 MR. FLEENER: Well, thank you very much Cormack. I
37 guess we'll be letting you sign off and get on that eight train
38 home.

39
40 DR. GATES: Okay, good luck.

41
42 MR. FLEENER: All right, thanks.

43
44 DR. GATES: Good-bye.

45
46 MR. FLEENER: Good-bye.

47
48 MR. FLEENER: Okay. A couple of things that I'd like
49 to read into the record. I've received a letter -- actually
50 it's addressed to our Chair, but I'll go ahead and read it

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1 since I'm making this presentation. This is from Dr. Craig
2 Gerlach, and he's an anthropologist at the University of
3 Alaska. His letter is basically addressing the anthropology of
4 the thing, about the history of the stories from the elders and
5 the pertinence of them. So I'll go ahead and read his letter.
6 It will take a few minutes but I think you'll like it.

7
8 It says, Dear Mr. Miller. I'm writing in response to
9 your request for information concerning the status of the
10 historical information on wood bison from Interior Alaska.
11 More specifically, I would like to provide an additional
12 perspective on the oral narratives that provide part of the
13 basis for a multi-authored paper entitled "Wood Bison in Alaska
14 and Canada; Historic Accounts from Athabascan Elders and a
15 Review of Radiometric Data."

16
17 Recently, a sort of interesting, if not puzzling memos
18 and letters from the U.S. Fish and Wildlife Service to the
19 Alaska Department of Fish and Game came to my attention.
20 Without considering all of the implications of the written
21 position statements made by various representatives of the U.S.
22 Fish and Wildlife Service concerning the historic status of
23 wood bison, I am nonetheless compelled to comment on the orals
24 of accounts since the substance and nature of these data have
25 been called into question in these documents.

26
27 When I began working on this project in 1993, I must
28 admit to a certain skepticism concerning the role of bison in
29 the Athabascan subsistence system since this had not been
30 previously described and published, ethnographic or documentary
31 resources. I began with a critical eye toward investigating
32 all possible sources of information, including oral accounts,
33 documentary sources and archaeological data and focusing on
34 evaluating, verifying, checking and cross-checking the veracity
35 and plausibility of all sources of information. A part from a
36 brief 10-day archaeological survey in the vicinity of Buffalo
37 Shirt Mountain in 1993, most of my research has centered on the
38 collection of radiocarbon dates from the Late Pleistocene and
39 Holocene bison in Alaska, on the substance of oral accounts
40 about bison collected from Athabascan elders in several
41 villages in and around the Yukon Flats and on working with Tom
42 O'Brien, a historical anthropologist and the Reverend David
43 Salmon who is from Chalkyitsik, Alaska to reconstruct and
44 construct tools and implements used by Mr. Salmon when he was a
45 boy. Mr. Salmon not only remembers the technology but is able
46 to fabricate the implements specifically used to procure bison.
47 These data are presented in Mr. O'Brien's master's thesis and
48 are available from the author and are part of a major exhibit
49 starting in May at the University of Alaska Museum.

50

1 At present there are 11 independently collected stories
2 that independently converge on a single point from Ft. Yukon,
3 Birch Creek, Beaver, Chalkyitsik, Venetie, Arctic Village,
4 Minto and Tanana, eight widely scattered villages. These
5 stories were collected from 1991 to 1997 and were told by
6 people ranging in age from the mid-50s to the early '90s and
7 contain specific information about bison hunting, processing
8 and behavior and ecology. Some of the stories are very
9 specific about place -- about where and under what condition
10 bison might be found and procured and about the clear
11 distinction between bison and musk-ox. While the combined
12 stories are not specific about time, they are quite specific
13 about the fact that bison played a role within Athabascan
14 subsistence system. In most cases where a story was collected
15 from an elder, additional interviews were conducted for
16 clarification or verification. Photographs were used to
17 substantiate that the subject or the story was indeed bison and
18 not musk-ox, and/or the story was substantiated or added to by
19 an independent investigator. In short, all possible methods
20 were used to assess the content and veracity of the oral
21 accounts before bringing them forward as a matter of public
22 record. Although, the stories converge on the fact that bison
23 were both present and hunted in the relatively recent past in
24 Interior Alaska, there are supporting First Nations Elders oral
25 accounts and reliably published historical accounts indicating
26 the persistence of bison in adjacent Yukon Territories until
27 the early 1900s.

28
29 It appears that what is the question here is not
30 whether or not oral accounts can be used at all for any form of
31 historical reconstruction. Contrary to the Federal position,
32 that written or documentary history is the only form acceptable
33 for a historical reconstruction elevating it, as they do, on
34 the incorrect assumption that it is more acceptable, more
35 accurate or less biased. Anthropologists routinely use oral
36 sources alone or in combination with documentary and other
37 sources as the basis for historical reconstruction. All
38 accounts, whether written or oral contain some elements of bias
39 and therefore must be critically evaluated. This is both
40 common sense and common knowledge and a logic of the practice
41 of critical evaluation has not escaped us in conducting this
42 research.

43
44 I have discussed all the available accounts at length
45 with professional oral historians, historians and
46 anthropologists from the University of Alaska and elsewhere
47 within the scholarly community. Most of these professionals
48 are perplexed by the failure of those who fail to recognize the
49 substance of these oral accounts that specifically refer to
50 bison in and around the Yukon Flats at some point in the

1 relatively recent past. By any normal standard, the multiple
2 stories about late Holocene bison, hunting by Gwichin
3 Athabascans comprise a rich and robust source of historical
4 information.

5
6 In addition to the oral accounts, we have numerous
7 radiocarbon dates showing that bison existed in certain parts
8 of Alaska until well into the late Holocene. That we have been
9 unable to close the gap between radiocarbon sequence and the
10 oral histories is probably a spurious function of the discovery
11 process and circumstance rather than a direct indication of a
12 real break in the record.

13
14 Finally, in recently reviewing the field notes recorded
15 by Robert McKennan, the great Athabascan ethnographer, it seems
16 that he, too, was told about bison in the vicinity of Arctic
17 Village by people who were elders in the 1920s and 1930s. With
18 bison not part of his expectation for the area, he may have
19 unilaterally corrected the accounts by substituting the word,
20 musk-ox, in for bison. In this manner he even changed the
21 gloss Buffalo Shirt Mountain to read Musk-Ox Shirt Mountain, a
22 point that can be verified by even casual review of his field
23 notes in the Rasmuson Library at UAF. Although McKennan was
24 uniquely positioned in time and place to collect first and
25 secondhand accounts about bison hunting in Northeast Alaska,
26 his failure to do so probably reflects the axiom that you won't
27 find the answer if you don't ask the question. The reasons for
28 his presumption of error on the part of elders who did tell him
29 about bison is open to speculation. Such is the stuff of
30 ethnography.

31
32 Before dismissing the currently available corpus of
33 oral accounts, out of hand, I urge representatives from the
34 U.S. Fish and Wildlife Service to seriously reconsider their
35 position on the historical priority of documentary over oral
36 sources and to reconsider the validity of their position on the
37 use of oral history in general. I would also encourage all
38 interested parties to open an unbiased dialogue about the
39 potential role of bison in the historic Athabascan subsistence
40 system. Although, I am now convinced that these combined
41 stories do, indeed, contain information of historical
42 substance, I will continue to work with Athabascan elders and
43 professional researchers alike to discover documentary sources
44 and to collect new oral and linguistic information relevant to
45 the problem at hand. That wood bison represents a sustainable
46 resource for the future is undisputed. That they represent a
47 viable subsistence resource and a keystone ecological species
48 is in the historic past is a matter for serious consideration.

49
50 Our paper summarizing the available information on the

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1 historical occurrence of wood bison in Alaska will be published
2 in 1998. This paper will include additional information and
3 analysis that I trust the U.S. Fish and Wildlife Service will
4 take into account before solidifying their current position.
5 The oral histories collected thus far, in combination with new
6 radiometric and ecological information relate to an important
7 development in our knowledge of the recent history of Interior
8 Alaska.

9
10 Sincerely, Craig Gerlock.

11
12 And that basically is -- seems to be a couple of really
13 good answers to at least two of the questions or statements by
14 the Fish and Wildlife Service in saying that they don't support
15 the project, one, based, you know, on the possibility of
16 bringing disease, and one based on the assumption that these
17 are not historical animals. I guess now would be a good time
18 to let Greg McClellan read what he's prepared to read if you
19 have something that you would like to make.

20
21 MR. McCLELLAN: Well, I'm not sure if the Council
22 members have seen a copy of the letter that Ted Huer, the
23 Refuge Manager for Yukon Flats, sent to all the village chiefs
24 within the Yukon Flats area, but I have copies available if
25 folks are.....

26
27 MR. MATHEWS: For the record, no, they have not seen
28 those copies. And also for the record, that's the first time
29 that I've known of these letters from the University of Alaska-
30 Fairbanks, so we'll need to get copies of that for the
31 administrative record for the Council.

32
33 MR. P. TITUS: Where's Ted?

34
35 MR. McCLELLAN: Ted had a previous commitment so he
36 wasn't able to attend this meeting. And maybe one also kind of
37 explanation is the tentative agenda didn't list that the wood
38 bison would be an issue -- or topic brought up at this meeting.
39 And we just learned about it last Thursday, so it was a little
40 too late for him to change his previous commitment, but he
41 would have liked to have been here if it wasn't for that
42 commitment. And like he mentions in that letter to the, you
43 know, village chiefs, he is more than willing and ready to come
44 to any village council meeting that he's requested to discuss
45 this topic. Like Vince had mentioned at the beginning of this
46 session, the Service considers this a management question at
47 this time.

48
49 I also, on the letter from Mr. Allen to Wayne Raglin
50 that Craig referred to that was mailed on December 19th, was

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1 the letter to Mr. Raglin saying that the Service, at this time,
2 could not support the proposed reintroduction project. And
3 kind of the crux for the Service's decision to not go along
4 with the proposal was the question of under the Endangered
5 Species Division, they made a determination that Alaska is not
6 within the historical range of the wood bison. And that the
7 problem that arises is then that would make a reintroduction of
8 the wood bison under that decision, they would be considered an
9 exotic species and that's against Service policy and executive
10 orders.

11
12 Now, in the letter to Mr. Raglin, and I'm not sure what
13 information that the Service had when the Endangered Species
14 Division made this decision, I know that the draft report that
15 Bob Stephenson and several other people had written up that
16 Craig had mentioned was part of the record that they looked at.
17 But like this most recent letter from Mr. Gerlock, I'm not sure
18 if that was part of the information that they looked at. But
19 in Mr. Allen's letter to Mr. Raglin, he comments that further
20 documentation would be required to alter the view that that
21 decision that Alaska is not historical range for wood bison, so
22 it sounds like with that information that Mr. Gerlock has,
23 there may be some more information that can be brought forward.

24
25 And I guess I'll leave it right there at that and see
26 if there is any questions.

27
28 MR. FLEENER: I was curious as to -- you know, you
29 mentioned that they're -- since they're not part of the --
30 they're not considered historic, which would mean that they're
31 no longer a part of the natural diversity, what is the legal
32 and factual basis for that decision?

33
34 MR. McCLELLAN: I'm not sure if I can answer that.
35 Although.....

36
37 MR. FLEENER: While you're looking for that, there's
38 another problem and this one won't need an answer by you, but
39 it's just a comment that I wanted to make. Is that, U.S. Fish
40 and Wildlife Service has made the statement that there is no
41 historical record of bison occurrence on the Yukon Flats. And
42 I think that through the work of Mr. Gerlock and Mr. Bob
43 Stephenson and the 11 elders, you know, in the Yukon Flats and
44 Minto and Tanana, that I think that that should -- serious
45 consideration should be taken of that. You know, we can --
46 frequently we make regulation changes based on the stories of
47 one or two people, what they've done in their own lives and
48 practices that they've had. And so here we have 11 elders
49 pointing to one thing happening and it's not being considered
50 part of the historic record. And I know that George, I believe

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1 talked to Craig and I -- I know that at least 10 of these
2 stories were available at the time. When you talked to him,
3 how many of these stories were -- did you talk to him about how
4 many stories were available at the time?

5
6 MR. SHERROD: At that time none of the stories were
7 available for review, at least, to me. My comments, when I
8 talked to him were based simply on the draft -- my response to
9 the draft letter or paper. It sounds like since I conversed
10 with Dr. Gerlock he has made further progress in refining this.

11
12 But as I say, none of the material -- I don't believe
13 the Service has had a chance to review, in any detail, any of
14 the material. I think it's -- I don't think it was the intent
15 of the Service to downplay the significance of the whole
16 tradition; it's just the fact that, like any document, we'd
17 like to see it and review it. It sounds like there is an
18 effort to go ahead and try to pull this stuff together.

19
20 MR. FLEENER: Well, whether or not they, you know,
21 really intended to down play it, it's -- these elders -- and
22 I'd have to ask Bob Stephenson when these -- how many of these
23 stories were made available, if he knows, to Fish and Wildlife
24 Service at the time, but I thought that some of this, if not
25 most of it, was made available.

26
27 MR. SHERROD: If it was, I didn't.....

28
29 MR. FLEENER: You didn't receive it if it was?

30
31 MR. SHERROD: I didn't receive any of it.

32
33 CHAIRMAN MILLER: Lee.

34
35 MR. L. TITUS: I think all these concerns are really --
36 the way I understand the question's going and everything, I
37 think it's all a -- I don't know what's the, it's a management,
38 it's a -- there's a lot of issues here that has to do with
39 management and who has control. I mean I know the State having
40 control over the other herd in Delta, and they're making money
41 out of it, you know, there's no problem there. But if we bring
42 up a different issue, along the same line and they don't have
43 no control over it then it becomes a problem to them or anybody
44 else.

45
46 MR. P. TITUS: Yeah. I got a question for somebody.
47 These stories these Natives state, you guys don't take it as
48 true or do you think that they sit there and make it up?
49 Because the majority of our history is oral history. And if
50 you guys don't want to accept our oral history, I don't know.

00286

1 MR. McCLELLAN: No, Mr. Titus, I think the information
2 is taken and not disregarded. I guess I would answer the
3 question as far as the oral history, that if there's any
4 question it's just to -- again, a question of the timing when --
5 what time period this information is from. Is it 100 years
6 ago, couple hundred years ago, 300, 400 years ago. I think
7 that's where the Service had a question of the information.

8
9 MR. P. TITUS: Well, our stories go back to the
10 beginning of time.

11
12 MR. McCLELLAN: Um-hum.

13
14 MR. FLEENER: Has the Service made any attempts to go
15 out and try to ascertain whether or not these are viable
16 stories? They've asked a lot of questions, I'm just wondering
17 what sort of effort has the Service made to find out whether or
18 not these stories are true or how far back they go.

19
20 MR. McCLELLAN: I'm not aware that the Service has gone
21 back to the people who've -- the elders who gave these stories
22 and have follow-up interviews.

23
24 MR. FLEENER: It seems like that the decision to
25 determine whether or not these bison are part of the natural
26 diversity may have been deferred. I don't know, may have been
27 deferred to the wildlife -- the refuge manager. I was
28 wondering if you or anybody else in the building would know
29 what the legal definition of natural diversity is?

30
31 MR. McCLELLAN: No, I don't know what the definition of
32 natural diversity. But I did on the question that you had as
33 far as the legal definition of historic, what that's
34 considered. And this is, again, from Dave Allen's letter, but
35 it says, under Service regulations, the wood bison's probable
36 presence in Alaska during historical times would have to be
37 established in scientific literature. And that's just
38 referring to literature that's been published and peer
39 reviewed. So like the -- I noticed the letter from Mr. Gerlock
40 said that he was planning on having his report published early
41 1998, the report that Bob Stephenson, the other people wrote
42 up, you know, if that would be published, again, then that
43 would be established in the scientific literature.

44
45 MR. FLEENER: Well, since this is basically just a
46 report on what's been going on with bison I don't want to keep
47 it going on too long, but I was just going to ask a question
48 based on -- did you have a question first that you'd like to
49 ask?

50

00287

1 MR. GOOD: Yeah, I do that I want to get in, but you go
2 ahead and finish first.

3
4 MR. FLEENER: Go ahead and ask your question now first,
5 I'll wait.

6
7 MR. GOOD: Well, you know, we're not trying to roast
8 you here.

9
10 MR. McCLELLAN: Yeah, that's fine.

11
12 MR. GOOD: This isn't anything personal or anything but
13 we're hoping you'll carry a message.

14
15 MR. McCLELLAN: Um-hum.

16
17 MR. GOOD: But when you listed your serious
18 reservations, number one, was would there be adverse impacts to
19 any species of wildlife such as moose and their habitats.

20
21 MR. McCLELLAN: Um-hum.

22
23 MR. GOOD: We have several bison herds in Alaska right
24 now, I am very familiar with the one in Delta Junction, that's
25 right where I live. And as far as them having a negative
26 impact, I can tell you that the highest concentrations of moose
27 in GMU 20(D) are found on and about the bison range. I can
28 tell you also for a fact that I have killed three bull moose
29 there, too, and I'm not trying to give out secrets, mind you.
30 But I am admitting that in saying, I have to tell you, if
31 anything, it would have to be my observation that the moose can
32 certainly benefit from it. We have some extremely low
33 population densities in 20(D) similar to what you find around
34 Ft. Yukon, but around the bison range they're very high.

35
36 MR. McCLELLAN: Okay, thank you.

37
38 MR. FLEENER: I know that when the habitat assessment
39 and the other report that Fish and Game did went out for
40 review, that the U.S. Fish and Wildlife Service commented
41 favorably on the work that was done. And I also know that just
42 recently, that the decision has basically been reversed and
43 there's now -- it seems that they no longer support the idea
44 that it was good work. That decision has basically turned to,
45 the work is no longer credible and I wonder if you know on what
46 basis that change of mind has come around?

47
48 MR. McCLELLAN: No, I can't address that. The report
49 was completed and reviewed by the Service before I started
50 working with the refuge so I can't directly comment on that.

00288

1 But I'll definitely take that comment back to Ted Huer and ask
2 him that question.

3
4 MR. P. TITUS: Back to Vince Mathews.

5
6 MR. FLEENER: Well, I guess with all due respect, since
7 Bob Stephenson's the area biologist for this area, if he has
8 any comments I'd certainly like to give him the opportunity to
9 make them.

10
11 MR. McCLELLAN: Um-hum.

12
13 MR. STEPHENSON: I think we probably shouldn't go on
14 too long. I'll just say, as Greg's acknowledged, perhaps here
15 there's -- that one problem has been that people aren't sharing
16 quite the same base of information. But when the paper on the
17 historical review is published, which I hope will be this
18 spring, that will be a chance then to reevaluate and take a look
19 at it. I think one of the problems is that the categories of
20 Native and non-Native species in Federal law were established a
21 long time ago, I don't know how many years, maybe 15 or 20
22 years ago and now we have a lot of new information. And maybe
23 the problem is we have to go and figure out how to revise that
24 status in official terms, in documents in Washington. That may
25 be a part of the problem.

26
27 And then lastly, just to let everyone know, in view of
28 kind of the fact that some of the issues that we thought had
29 been pretty well resolved, the biological issues have kind of
30 resurfaced here lately from the Fish and Wildlife Service. Our
31 department has asked the Wildlife Society, Alaska Chapter to
32 conduct an independent review of the biological, and to some
33 extent the historical foundation, for the project. And so
34 Dr. Brad Griffith, at the University of Alaska and Terry Boyer
35 and a number of other people that the Wildlife Society selects
36 -- the professional biologists, will go through all this
37 material again for us. They volunteered to do it and I think
38 they're going to try to do it in a few months -- during the
39 next few months. And that should help to see if we've
40 overlooked something. If there's something missing in our
41 assessment of the situation so we can all look forward to, you
42 know, a little -- kind of an independent evaluation of it also.

43
44 MR. FLEENER: Perfect. Thanks, Bob. Are there any
45 questions for anybody? Greg, do you have any closing
46 statements?

47
48 MR. McCLELLAN: No.

49
50 MR. FLEENER: Okay, I'd sure like to thank both of you.

00289

1 MR. STEPHENSON: Thank you.

2
3 MR. McCLELLAN: Thank you.

4
5 MR. MATHEWS: Okay, I think.....

6
7 MR. FLEENER: We lost our boss.

8
9 MR. MATHEWS: No, we have a vice chair here who's fully
10 capable and a valuable member.

11
12 MR. P. TITUS: We could adjourn.

13
14 MR. MATHEWS: I think the next one is for Janice
15 Meldrum, which would be an item that is before you -- we got
16 out of sequence so I apologize, somewhat for that, in that,
17 she's kind of taken back on this. But anyways, it's Item 13, a
18 review and comment on the draft, Wrangell-St. Elias National
19 Park Subsistence Plan. Obviously Wrangell-St. Elias National
20 Park falls both, within Southcentral and Eastern Interior
21 Region. You do appoint one member to the Wrangell-St. Elias
22 Subsistence Resource Commission who is Frank Entsminger.

23
24 MR. FLEENER: I think we all have copies.

25
26 MR. L. TITUS: Which one?

27
28 MR. P. TITUS: This one?

29
30 MR. FLEENER: Yeah.

31
32 MR. MATHEWS: Well, I don't know who handed them out,
33 but.....

34
35 MR. FLEENER: You mailed me mine.

36
37 MR. P. TITUS: Yeah, you mailed me mine, too.

38
39 MR. MATHEWS: Oh, that's right, I'm sorry. I didn't
40 mail them, someone else did, but I'll take credit. And I would
41 like to note the colored photograph on there, it's quite
42 attractive.

43
44 MR. FLEENER: And the horn is just beautiful.

45
46 MR. MATHEWS: And I would just.....

47
48 MR. FLEENER: Not as large as our horn though.

49
50 MR. MATHEWS: The only thing that I would request from

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1 Janice, and I know it's late in the day, is that we make it
2 clear to you what we're expecting from you at this
3 presentation. Because I know it's late in the meeting and late
4 in the day.

5
6 MS. MELDRUM: Actually, there was, Vince, two items
7 that I wanted to talk about.

8
9 MR. FLEENER: Can't hear.

10
11 MS. MELDRUM: There was two items I wanted to -- you
12 still can't hear?

13
14 MR. MATHEWS: No.

15
16 MR. FLEENER: No.

17
18 MS. MELDRUM: There was actually two items that I
19 wanted to talk about from Wrangell-St. Elias. And maybe the
20 logical order might be to talk about the draft hunting plan
21 recommendation that the Wrangell's SRC just passed at their
22 last meeting in November. And you'll see a copy of that under
23 Tab U, Page 2 and 3.

24
25 MR. P. TITUS: Tab what?

26
27 MS. MELDRUM: Tab U.

28
29 MR. P. TITUS: This one?

30
31 MS. MELDRUM: Oh, I'm sorry, in your big yellow book,
32 not the one with the pretty picture.

33
34 MR. P. TITUS: It's this one.

35
36 MS. MELDRUM: The SRC's are required, when they make a
37 hunting plan recommendation, before it goes to the Secretary
38 and the Governor, they have to have consultation with the local
39 advisory groups and the Regional Councils and others that might
40 be interested in commenting on it. So at this point, the SRC
41 has drafted this hunting plan recommendation and it's out for
42 public review until their next meeting, which is April 7th and
43 8th. So they've sent it to all the Regional Councils and other
44 SRC's and so forth and so they're asking if you have any
45 comments on it.

46
47 The hunting plan recommendation has to do with minimum
48 residency requirements for people living in resident zones for
49 parks. To the best of my recollection, the discussion that the
50 SRC had was that in the areas around Wrangells, there's a lot

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1 of people that are starting to move into the resident zone
2 communities that surround the park and they can walk in from
3 California or Montana or wherever, one day move in and then
4 they're eligible to hunt in the park and they felt that was
5 wrong, that people needed to spend at least a year there before
6 they would be eligible to hunt in the park. So they're
7 requesting that the regulation be changed so that you don't
8 have this instant eligibility in the resident zone communities.

9
10 MR. FLEENER: Don't you have to have one year residency
11 in the state to get a hunting license anyways?

12
13 MS. MELDRUM: Well, to get a resident hunting license,
14 but all's you need is a hunting license to hunt for
15 subsistence. It could be resident or non-resident.

16
17 MR. FLEENER: Federal land you only have to have.....

18
19 MS. MELDRUM: You just have to have a state license, it
20 doesn't say resident license or non-resident?

21
22 MR. FLEENER: Really?

23
24 UNIDENTIFIED VOICE: Yeah.

25
26 MR. FLEENER: You mean in the Federal subsistence
27 system you don't have to be a resident of Alaska?

28
29 MR. P. TITUS: Subsistence.....

30
31 MS. MELDRUM: You just have to have a license.

32
33 MR. FLEENER: I didn't know that. This will take
34 another hour to discuss that. Ready Rosa? Let your fingers do
35 the walking.

36
37 MS. MEEHAN: You want to do a motion on that?

38
39 MR. FLEENER: Well, we'll continue. Mark that.

40
41 MS. MELDRUM: So they wanted to have this minimum
42 residency requirement but they didn't want it to exclude people
43 who lived in these villages and went off to maybe a military
44 assignment or went to college or whatever and then came back.
45 So they wanted to make an exception for people under those
46 situations or who left the village for some other good reason
47 and then came back. Somebody that had grown up in that village
48 or spent a lot of time there.

49
50 So if you have any comments that you'd like to pass on

00292

1 to them, now would be a good time to do it because they'll
2 probably take some action on this at their meeting in April.
3 It's just about one paragraph in there if you want to take a
4 minute and look at it. It's actually on the back side of Page
5 2.

6
7 MR. GOOD: That then eliminates that non-resident
8 hunter.

9
10 MR. FLEENER: Well, this is only in the Federal system
11 though, it doesn't address the rest of the state.

12
13 MR. GOOD: Well, Federal lands are the only ones we can
14 do subsistence on anyway.

15
16 MR. FLEENER: Right, but this is only for the park.

17
18 MR. NICHOLIA: I think this would be -- this proposed
19 recommendation would work good for the rural residents that do
20 live in a resident zone community. It will allow them a more
21 better chance to hunt in there without having somebody just
22 move there the day before just to hunt in Wrangell-St. Elias.
23 And I think this would be a pretty good indication from the
24 Wrangell-St. Elias that they are -- that they are an
25 established resident zone and are willing to step in to take
26 action to protect the resident zone communities.

27
28 MS. MELDRUM: Um-hum.

29
30 MR. FLEENER: So are you looking for a motion that
31 would support this proposed recommendation?

32
33 MS. MELDRUM: A motion of support or if you have
34 comments about it. If you agree with it or disagree or any
35 parts of it. Whatever comments you want to pass back to them.

36
37 MR. FLEENER: And does the park agree or disagree with
38 this?

39
40 MS. MELDRUM: I don't know what the superintendent's
41 feeling is about it. But, you know, it goes on to the
42 Secretary and the Secretary will respond to it. I think -- my
43 personal opinion is I think the park would support it if that's
44 what the SRC wants.

45
46 MR. FLEENER: I like it. I make a motion to support
47 this recommendation.

48
49 MR. GOOD: I'll second it.

50

00293

1 CHAIRMAN MILLER: Any discussion?

2
3 MR. FLEENER: Question.

4
5 CHAIRMAN MILLER: Question's been called. All in
6 favor.

7
8 IN UNISON: Aye.

9
10 CHAIRMAN MILLER: Opposed.

11
12 (No opposing responses)

13
14 MS. MELDRUM: Thanks.

15
16 MR. P. TITUS: Thank you.

17
18 MS. MELDRUM: I have one more thing. Now, on the book
19 that you all got a copy of with the antlers on the front,
20 that's the other thing that the Wrangell Subsistence Resource
21 Commission would like to have your comments on if you're
22 prepared to do that. I think in your last meeting, Jay Wells
23 sat before you and gave you a copy of this and told you that it
24 just recently had been developed. I don't know how much he
25 went into depth on it so would you like it described in a
26 couple of minutes? What it is? Would you like to take a look
27 at it or how do you want to proceed on that?

28
29 MR. MATHEWS: At the meeting when he did bring it up,
30 there wasn't enough copies. There was some confusion on the
31 copies. Janice is not suggesting she do a dissertation, just
32 basically the general structure of it so you get an idea of
33 what this function is and how it works. My personal opinion on
34 it is that it's a nice idea that we may have to use for the
35 Council, i.e., that they have issues and they're color-coded,
36 and then we have kind of an organizational structure for it.
37 So I like that. I don't -- I'm not commenting about individual
38 items in there. But we may need to do that with issues and
39 topics that the Council deals with over time. So I think I
40 took her thunder away, that was not my intent. But I
41 personally would request, look at this structure to see if it
42 works because we may need to do that on topics of membership,
43 you know, removing a member, policy, things like that that we
44 could start developing something like this for the Council.
45 But anyways.....

46
47 UNIDENTIFIED VOICE: Are you saying you need a new
48 computer?

49
50 MR. MATHEWS: What now? I didn't catch that.

1 MR. FLEENER: He's saying you need a new computer.

2

3 MR. MATHEWS: No, basically I was just so taken back by
4 that color photograph on the front of the book in compared to
5 the moose that's on the front of ours.

6

7 MR. FLEENER: Didn't you say that there's a job opening
8 down there? Get this guy a new computer.

9

10 MS. MELDRUM: We could train you Vince.

11

12 MR. GOOD: You haven't tried yet, though.

13

14 MS. MELDRUM: It seems possible though. So you want a
15 couple minute description of what the plan is and what it does?

16

17 MR. FLEENER: Sure.

18

19 MR. GOOD: Yes.

20

21 MS. MELDRUM: Well, Section 808 of ANILCA is what
22 established the SRCs, and that section also directed the Park
23 Service to work with the Subsistence Resource Commissions in
24 developing a hunting plan. So that's where the whole idea came
25 from. There was no other direction on how you construct it so
26 we kind of came up with this idea. The plan, basically it's
27 kind of color-coded to help people work through or understand
28 issues that the SRC has dealt with over the past 16 years and
29 what the resolution to those issues were, if any. So there's
30 nine chapters in the plan that address the major issues that
31 Wrangells faces, like access to subsistence resources, hunting,
32 subsistence trapping, who sits on the SRC, a whole variety of
33 different issues. How they interact with the Regional Councils
34 and local advisory committees, those are the different sections
35 its broken up into.

36

37 Then under each one of those topics there's a yellow
38 page. The yellow page is an attempt to explain the Park
39 Service regulations on eligibility. Who can hunt in the parks,
40 how you can figure out whether you're eligible, what modes of
41 transportations you can use to get into the parks. How you get
42 on the SRC if you want to and how the SRC functions. So the
43 yellow pages, if you pulled those out of the books, would be an
44 explanation of subsistence hunting and trapping in Wrangell-St.
45 Elias National Park and how the Park Service interprets those
46 regulations.

47

48 The other color pages, the peach colored or salmon
49 colored pages are actions that the SRC is working on to clarify
50 regulations, make changes in the regulations, changes in park

00295

1 policies or whatever it is that they want to do. So if you
2 pulled out all the peach colored pages, those would be items
3 that the SRC is currently working on with the Secretary, with
4 the National Park Service to try and change the subsistence
5 hunting program in the park. And an example there is there's
6 16 resident zone communities for Wrangell-St. Elias and they're
7 named on the yellow page under resident zones. Then there's a
8 peach colored page in there because the SRC said they wanted to
9 add four new resident zone communities, Tetlin, Tanacross,
10 Northway and Dot Lake. So that's an active issue that they're
11 working on, it's on a peach colored page. Every time something
12 happens with that issue we update that page so they know where
13 we're at with it. And then any relevant documents relating to
14 that issue would be included in the plan, too. For instance,
15 there's a copy of the draft proposed rule that would add those
16 four new resident zone communities.

17
18 Then the green pages are issues that the National Park
19 Service is working on that we want input from the SRC on or
20 that the SRC might be interested in tracking. If there's any
21 development going on in the park or if we're working on new
22 regulatory changes. Whatever it is that we're doing is
23 supposed to be on the green sheets so that they can work with
24 us on those issues.

25
26 And then any issue that's completed, completely done,
27 there's been a resolution to it would show up on a purple page.
28 So that's how they're constructed. It's kind of a history of
29 the SRC and what they've done over the past 17 years and it's
30 an active document for them that will change after each
31 meeting. It will be updated to show what they've done and what
32 progress they've made on these issues.

33
34 And by March 21st -- they've opened this document to a
35 public review period and they would like to have any comments
36 from the advisory groups and the public on this document. What
37 you think of it. Whether it makes sense. Whether there's
38 issues in there you want them to work on. Whatever comments
39 you might have you could pass on to them before that time.

40
41 MR. MATHEWS: Mr. Chairman, I do have a question for
42 Janice because we'll have one of these out of Gates of the
43 Arctic and we'll probably have one for Denali.

44
45 MS. MELDRUM: Um-hum.

46
47 MR. MATHEWS: What does it mean when you have this open
48 now and then you're going to close it? Let's -- let me put it
49 another way. Does that mean if the SRCs -- the Subsistence
50 Resource Commission or someone else wanted to change something

00296

1 in here that you'd have to go through a full Federal Register
2 process of a public comment and open and close period to make a
3 change in this document?

4
5 MS. MELDRUM: What we said was any significant changes
6 to the plan we would reopen it for public review and comment.

7
8 MR. FLEENER: I hate that word, significant

9
10 MS. MELDRUM: But the thing is that each issue that the
11 SRC works on they have to draft these hunting plan
12 recommendations and they go out for public review. So if
13 that's done, it's unlikely that we would open the whole plan
14 again for public review each time the SRC takes a new action.
15 However, the review period that we have ongoing now is a formal
16 requirement, but I don't think the SRC is going to close the
17 door on comments once that comment period closes either.

18
19 MR. MATHEWS: So if I understand it correctly, then
20 this -- the Council here would get, like you did with the
21 hunting plan, and I apologize for not being in the room, but
22 that you would get periodic hunting plans presented to you for
23 comment on it.

24
25 MS. MELDRUM: Um-hum.

26
27 MR. MATHEWS: And then they would plug into it and they
28 would be added to this document.

29
30 MS. MELDRUM: Right.

31
32 MR. MATHEWS: Okay.

33
34 MS. MELDRUM: So then, yeah, it's going to be more like
35 one page at a time, each time a new hunting plan recommendation
36 comes out it would come before you.

37
38 MR. MATHEWS: I appreciate that. Because we have --
39 you'll have one more of these before you -- from Denali
40 whenever that happens.

41
42 CHAIRMAN MILLER: Is there any comments or questions?

43
44 MR. GOOD: Well, I think this is really great. It's
45 very impressive and I think Vince is jealous.

46
47 MS. MELDRUM: Just of the picture on the front.

48
49 MR. FLEENER: Just kind of thumbing through those thick
50 papers, too, he likes that.

00297

1 MR. MATHEWS: I do actually.

2

3 CHAIRMAN MILLER: Is there any comments from agencies
4 here? Hearing none, I guess we'll move on.

5

6 MR. MATHEWS: Okay. The next item in.....

7

8 CHAIRMAN MILLER: Thank you.

9

10 MR. MATHEWS: Because of the time -- well, for several
11 reasons we have other report topics coming up, the next item is
12 the correspondence sent and received. Usually I go over a
13 briefing of each of the correspondence sent and received. If
14 it's all right with you what I could do is just direct you to
15 that tab and you could take a minute or two and look at it.
16 And if you have questions.....

17

18 MR. FLEENER: Great.

19

20 MR. MATHEWS:and then do it that way. That would
21 save some time on that. While you're thinking of that, in the
22 future, I've asked this at every meeting, is this okay for you
23 to get all these copies now versus mailing throughout the year?

24

25 MR. FLEENER: No.

26

27 MR. MATHEWS: In the past it's been now and not
28 separate mailings.

29

30 MR. FLEENER: Not me, I like to get the letters
31 throughout the year. I like to see the letters, any letter
32 directed to the Council I'd like to see. It's darn hard to
33 take any action or share with the community when you only see
34 it every six months.

35

36 MR. MATHEWS: Okay. Then when I get correspondence in
37 then I should mail out to you.....

38

39 MR. FLEENER: Or fax it to me.

40

41 MR. MATHEWS:or -- well, get it to you somehow,
42 right.

43

44 MR. FLEENER: Or e-mail it to me.

45

46 MR. MATHEWS: Okay, I can do that. That will be just a
47 switch in gears. Then if we do that, if that's the agreement
48 of the Council, then when we come to this section in the agenda
49 in the future I will just do a brief of what's been received,
50 not have copies.

00298

1 MR. P. TITUS: Well, like when correspondence, you guys
2 should get together because I've got three books on the same
3 thing from three separate committees, YRFDA, Eastern Interior
4 and Minto/Nenana.

5
6 MR. MATHEWS: Well, you're three times in.....

7
8 MR. P. TITUS: I can only look at one book at a time.
9 All three books, they're all the same thing.

10
11 MR. MATHEWS: I will try -- I review the transcript.
12 What basically needs to be done is I need to inform the people
13 who do the mailing list to tell the computer not to repeat your
14 name so you don't get three copies. That will save a tree or
15 two, thank you. So if I understand.....

16
17 MR. P. TITUS: The trees thank you.

18
19 MR. MATHEWS:by consensus then I will mail any
20 correspondence as it comes in and then provide maybe a sheet or
21 a briefing of correspondence bulleted at the future meetings.

22
23 MR. FLEENER: That sounds good to me.

24
25 MR. MATHEWS: I'll give you a few minutes and then if
26 you have any questions.....

27
28 MR. P. TITUS: Where's the correspondence?

29
30 MR. MATHEWS: Tab U.

31
32 MR. P. TITUS: Tab U?

33
34 MR. MATHEWS: Yes.

35
36 MS. HENNESSY: Yeah, Frank Entsminger, again, couldn't
37 be here and he asked me to make a couple comments that he'd
38 like you to make a recommendation to the Federal Board about.
39 And three of them are -- one is he feels and our advisory
40 committee has discussed this, we feel that.....

41
42 MR. FLEENER: Excuse me, we can barely hear you.

43
44 MS. HENNESSY: Yeah, can you hear me?

45
46 MR. FLEENER: Can you talk in the microphone and
47 louder.

48
49 MS. HENNESSY: If you could make a recommendation
50 regarding big game animals for individuals to be able to sell,

00299

1 barter or trade products of big game animals. The second one
2 is right now in the methods and means section of the harvesting
3 manual -- subsistence harvesting manual, if someone is trapping
4 and they see a big game animal or a free-ranging animal,
5 they're not able to shoot it and if we could have that changed
6 so that if you're out trapping you could shoot an animal if you
7 saw one.

8
9 MR. FLEENER: So what you're requesting is that?

10
11 MS. HENNESSY: You make a recommendation to that
12 effect.

13
14 MR. FLEENER: That we allow for sale, barter and trade
15 of big game animals.....

16
17 MS. HENNESSY: Products.

18
19 MR. FLEENER:products.....

20
21 MS. HENNESSY: Products of, right.

22
23 MR. FLEENER: Such as bear gall bladders?

24
25 MS. HENNESSY: Well, sure -- no, that's not what I.....

26
27 MR. FLEENER: I got no problem with that, I'm just
28 making a comment that's all.

29
30 MS. HENNESSY: Yeah, I think that.....

31
32 MR. FLEENER: (Indiscernible - away from microphone)

33
34 MS. HENNESSY: Yeah, I don't think the gall -- that
35 didn't come up particularly, but just probably saying by-
36 products would encompass a lot of different -- yeah.

37
38 MR. MATHEWS: I need a clarification. If you're
39 talking about this harvesting of fur bearing animals using a
40 rifle, free-ranging.....

41
42 MS. HENNESSY: Right.

43
44 MR. MATHEWS:we've done quite a bit of work on
45 that because that is dealing with the Park lands, correct?

46
47 MS. HENNESSY: Right.

48
49 MR. MATHEWS: Park Service lands, okay. So what she's
50 saying is on Park lands it's -- presently it is -- boy, there's

00300

1 nobody here from the Park Service -- well, maybe there is --
2 that it is illegal to use a rifle under a trapping license to
3 dispatch a free-ranging fur bearer -- maybe I'm mixing --
4 Western Interior has spent a tremendous amount of time on this
5 issue. I'm not sure you.....
6

7 MR. FLEENER: You talked about dispatching free-ranging
8 fur bearers with fire arms? I've dispatched a few, but I don't
9 know if we've discussed it.
10

11 MR. MATHEWS: Well, what it's saying is that you could
12 not -- if you were out trapping and a lynx goes by it would be
13 illegal on Park lands to shoot that animal under the trapping.
14

15 MR. FLEENER: That's Federal law -- on the Federal
16 lands?
17

18 MR. MATHEWS: Well, this is why I was hoping the Park
19 Service could address this.
20

21 UNIDENTIFIED VOICE: But it's a Park Service
22 regulation, that this.....
23

24 MR. MATHEWS: I don't have all my notes here, but
25 basically Western Interior.....
26

27 MR. FLEENER: You're supposed to be bombarded with
28 information.
29

30 MR. L. TITUS: Didn't we refer that to the Wrangell-St.
31 Elias SRC.
32

33 UNIDENTIFIED VOICE: Right.
34

35 MR. FLEENER: That's where it's coming from, isn't it?
36

37 MR. L. TITUS: No, it's not.
38

39 UNIDENTIFIED VOICE: Yes.
40

41 MR. L. TITUS: It's coming from.....
42

43 MR. MATHEWS: Mary Beth is referring to the Wrangell-
44 St. Elias because that's where it applies. It also would apply
45 to Denali.....
46

47 MR. FLEENER: She's making the request from the.....
48

49 MR. L. TITUS: We were making that request as a
50 Fortymile -- as a Fortymile Advisory Chair?

00301

1 MS. HENNESSY: Well, yeah, and we would like to, if
2 possible, have your committee make a recommendation to the
3 State committee -- or the Federal, rather.

4
5 MR. MATHEWS: Well, maybe we could streamline this.
6 Western Interior has requested to the Board and to the -- what
7 is he called now, Regional Director -- he used to be a field
8 director, now he's a Regional Director, for National Park
9 Service, is that, the Park Service submit a proposal to the
10 Federal Subsistence Board that.....

11
12 MR. FLEENER: For allowing to shoot the fur bearers
13 with a trapping license.

14
15 MR. MATHEWS: Yes, to allow them to do that. Now,
16 there's been no correspondence back unless it's in my mailbox,
17 either from the Federal Subsistence Board or from the National
18 Park Service to do that. But that's how Western Interior has
19 dealt with that is request that the Park Service submit a
20 proposal to that effect. We're not recommending you do that,
21 but that is an option to support that action or the request she
22 has is to -- your option would be to draft a letter to the Park
23 Service to address this issue.

24
25 MS. HENNESSY: The third thing that we were interested
26 in having you address is access for hunting by air. At the
27 moment aircraft to access for hunting is prohibited. And we
28 feel that.....

29
30 MR. FLEENER: Actually we addressed that at our last
31 meeting.

32
33 UNIDENTIFIED VOICE: We did that at our last meeting.

34
35 MR. FLEENER: The Council voted against that actually.

36
37 UNIDENTIFIED VOICE: We voted against that.

38
39 MS. HENNESSY: Yeah. We would like to kind of keep
40 hammering away at that if possible because we feel that
41 otherwise there is just a few areas that are going to get
42 hammered by hunters and it's -- it doesn't really dissipate
43 the.....

44
45 MR. FLEENER: Have you considered horsepower
46 restrictions or anything like that? Aircraft size
47 restrictions?

48
49 MS. HENNESSY: We haven't. But we'd sure be willing to
50 talk about.....

00302

1 MR. FLEENER: Because that may be -- that may make it
2 more.....

3
4 MS. HENNESSY: Reasonable?

5
6 MR. FLEENER:acceptable to some people that don't
7 like it.

8
9 MS. HENNESSY: Okay.

10
11 MR. FLEENER: I don't know, I'm not saying it will.
12 I'm just saying that that's a possibility you might want to
13 consider.

14
15 MS. HENNESSY: We haven't done that. Would it be --
16 what would you recommend should -- our advisory committee is
17 going to meet the 17th.

18
19 MR. FLEENER: Well, I don't think that this Council
20 will pass it.

21
22 MS. HENNESSY: Okay.

23
24 MR. FLEENER: You could suggest it again but we've
25 already.....

26
27 MS. HENNESSY: Okay.

28
29 MR. FLEENER:made one decision last time. I
30 don't know if we're willing to change our minds so soon.

31
32 MS. HENNESSY: All right. So we should, perhaps,
33 research it a little bit more.

34
35 MR. FLEENER: And maybe come back in writing with that
36 request?

37
38 MS. HENNESSY: Okay. All right.

39
40 MR. MATHEWS: And that would help so the Council
41 members could be more aware of it.

42
43 MR. FLEENER: Chew on it for awhile.

44
45 MS. HENNESSY: All right, thank you.

46
47 MR. MATHEWS: Did the Park Service want to talk since I
48 opened up this issue?

49
50 MR. GERHARD: I was just going to point out that the

00303

1 Regional Director did receive a letter from the Western
2 Interior Regional Council. I'm quite certain that a response
3 has not been prepared, finally, but I suspect that this issue
4 will be discussed at more length at the Western Interior
5 meeting next week. And I think it would be -- I suggest maybe
6 tracking that would be -- you know, there will be some action
7 or some response. It may not be a final response even next
8 week, but we're aware of that issue.

9
10 MR. FLEENER: And do you have any idea what the main
11 opposition, if there is an opposition, to this?

12
13 MR. GERHARD: This is a long issue, you know, our
14 position has been that the regulation do not -- Park Service
15 regulations do not allow or do not consider a firearm under the
16 definition of trapping. But I believe that you saw an issue
17 paper that we've worked on for a number of years and we
18 finalized last summer. In that, we have at least made a step,
19 we have acknowledged that that is in conflict with longstanding
20 customary practices and that we've made a commitment to work
21 with Councils and Subsistence Resource Commissions on resolving
22 that. And that's about as far as we've gone.

23
24 MR. FLEENER: And how about the aircraft access issue?

25
26 MR. GERHARD: Aircraft access, it's our feeling that
27 the legislative history of ANILCA was quite clear that aircraft
28 access generally should not be permitted for subsistence in
29 National Parks and Monuments.

30
31 MR. FLEENER: Is that the terminology used, aircraft
32 will not be used?

33
34 MR. GERHARD: Yes. That -- the legislative history of
35 ANILCA does include statements that they believe there is not a
36 need for aircraft use for subsistence specifically in Parks and
37 Monuments.

38
39 MR. L. TITUS: I have a question.

40
41 CHAIRMAN MILLER: Go ahead, Lee.

42
43 MR. L. TITUS: We already made a motion to adopt this,
44 right?

45
46 MR. MATHEWS: There's no motion.

47
48 MR. FLEENER: They didn't need a motion, it's just for
49 review.

50

00304

1 MR. L. TITUS: Oh, okay. In here, under subsistence
2 access there, under airplanes it says, airplanes are not
3 permitted for providing access to the Park for subsistence
4 purposes. And I don't know, Frank Entsminger sits on the
5 board, that kind of like wrote the book on this thing and I
6 don't know how -- what -- I don't know why he didn't make
7 this.....

8
9 MR. FLEENER: This request did come from Frank.

10
11 MR. L. TITUS: I know.

12
13 MR. P. TITUS: But he wrote this book.

14
15 MR. MATHEWS: Janice can confirm this, but this book
16 was pretty much put together by Staff and it's being reviewed
17 and approved by the Subsistence Resource Commissions, correct?

18
19 MS. MELDRUM: That's right.

20
21 MR. MATHEWS: So it's not -- let the record reflect
22 that this book wasn't written by the Subsistence Resource
23 Commission.....

24
25 MR. P. TITUS: Resource Commission.....

26
27 MR. MATHEWS:or by Frank Entsminger.

28
29 MR. FLEENER: If it was it would be vastly different.

30
31 MS. MELDRUM: The SRC got this about a year ago and
32 they're still looking at it and they don't necessarily agree
33 with everything in it. We put it out for review and it will be
34 changed at this next meeting based on public comments and
35 comments from SRC members. Like Lee said, Frank does not agree
36 with the Park Service interpretation of the regulations, so
37 that may be an item that the SRC's going to take up and make a
38 hunting plan recommendation on. For example, we made a purple
39 page, which as I indicated means it's a completed action on
40 aircraft access and he strongly disagrees that that's a
41 completed action. To him, he wants that issue still open and
42 negotiated, so that will probably be changed. That will be one
43 item that will be changed because they want to continue to work
44 on that issue.

45
46 But from hereon in, once they agree that this is the
47 document they want to work with, decisions about what happens
48 in the document will be made by the SRC. But the Staff took
49 the first cut at trying to put it together for them.

50

00305

1 MR. L. TITUS: Please give me a change if you ever get
2 it changed.

3
4 MS. MELDRUM: Give you a call, we might not be talking.

5
6 MR. FLEENER: So are we going to -- I was going to ask
7 this gentleman about the sale, barter or trade of big animal
8 you brought up, what.....

9
10 MR. MATHEWS: I don't know if -- her comment was just
11 directed at the Park Service lands, I don't think so. I think
12 that's throughout all Federal lands, correct, the sale, barter
13 or trade.....

14
15 UNIDENTIFIED VOICE: Yes.

16
17 MR. FLEENER: Oh, the whole Federal.....

18
19 MR. MATHEWS: I mean Bob can answer it, he's very
20 capable.

21
22 MR. FLEENER: Oh, that's all right. I thought it was
23 directed at the Park. So the only one directed to the Park is
24 aircraft access.

25
26 MR. MATHEWS: And free-range or whatever.

27
28 MR. FLEENER: Got it.

29
30 CHAIRMAN MILLER: Thank you, Mary Beth.

31
32 MR. MATHEWS: I think, unless Bob wants to talk
33 about.....

34
35 MR. FLEENER: No, he doesn't.

36
37 MR. P. TITUS: No, he doesn't.

38
39 MR. GERHARD: He doesn't.

40
41 MR. P. TITUS: Thank you.

42
43 MR. MATHEWS: Okay. You have looked at the
44 correspondence received, correct?

45
46 MR. FLEENER: Yep.

47
48 MR. MATHEWS: No questions on correspondence, all
49 right. The next item is, I think Sue was doing. This is the
50 Federal Subsistence Program, this is coordination efforts with

00306

1 the Alaska Department of Fish and Game. You looked at this the
2 last meeting under the title of Memorandum of Understanding. I
3 will pass out some materials for you on this since we will
4 discuss it.

5
6 MS. DETWILER: This agenda item is basically a status
7 report and an opportunity for Regional Council comments. As
8 Vince said at your last meeting, you talked about this issue so
9 I won't go into the background. What I will say is the gist of
10 the issue is that the Federal Subsistence Program and the
11 Department of Fish and Game are trying to work out ways that
12 they can improve their coordination with each other. And since
13 the time of your last meeting, the Federal/State working group
14 that's looking for ways to improve coordination has come up
15 with several ideas for improving that coordination. You have a
16 letter that Vince just passed out from Mitch that outlines sort
17 of the background and some of the mechanisms that the
18 interagencies -- the Federal/State working group has come up
19 with to improve coordination.

20
21 A couple of those mechanisms have already been put into
22 place. One of them is to have the State have a better
23 opportunity to review proposal analysis before they come to the
24 Councils, we've done that. The State has also said that
25 they're going to participate a little more in Regional Council
26 meetings. An issue that the Board is particularly interested
27 in making sure that you have an opportunity to comment on is
28 having the State participate in the Staff committee meetings.
29 At the week long Staff committee meetings is when the
30 interagency Staff committee reviews the proposals, the Staff
31 analysis, Regional Council comments and all the available
32 information to develop their recommendations to the Board. And
33 to this point, the State has not been involved in those
34 meetings. There is some feeling that it would be beneficial to
35 have the State at those meetings since we rely so heavily on
36 their data base to give the State an opportunity to make sure
37 that the information that we have from them is complete and
38 accurate and is relevant and to the point. So the
39 Federal/State working group has come up with that
40 recommendation to invite the State to participate in those
41 Staff committee meetings on a technical advisory basis and also
42 on an as needed basis when clarification of Regional Council
43 concerns is necessary to also invite Regional Council
44 representatives to Staff committee meetings.

45
46 So what the Board is looking for is to make sure that
47 you're aware of what the Staff committee's recommendation on
48 this enhanced participation by the ADF&G at Staff committee
49 meetings -- make sure that you're aware of that and have an
50 opportunity to comment on it if you want.

00307

1 MR. FLEENER: I was just going to say that I talked to
2 Terry Haynes a number of times since -- in the last few months
3 and he's told me personally that he's very pleased that he was
4 able to go through proposals and recommendations and work with
5 the Staff in the last few months. And I just wanted to pass
6 that along. He said he's very grateful for that opportunity
7 and he says that it's going to help any gulf that exists
8 between the State and the Federal relationship.

9
10 MS. DETWILER: Good. Thanks, we'll pass that on.

11
12 CHAIRMAN MILLER: Anymore comments?

13
14 MR. P. TITUS: I'd like to see you guys get together
15 and share information because it's the same thing. The same
16 animals, the same fish and the same everything and we can't go
17 by two different informations because we don't know which one
18 is the truth. That's all. So I'd like to see you guys do this
19 more often. Thank you.

20
21 MS. DETWILER: Thank you.

22
23 MR. MATHEWS: Okay, if there's no other comments, the
24 next item would be review of the policy dealing with requests
25 for reconsideration, RFRs and special actions. And that would
26 be under.....

27
28 MS. DETWILER: Tab V.

29
30 MR. MATHEWS: Restructuring, did I go over it -- sorry,
31 I did. So we have to do restructuring first, I apologize for
32 that. The restructuring of the Federal Subsistence Board, I
33 believe Sue's doing that also.

34
35 MS. DETWILER: Right. This item was also on your
36 agenda at your last meeting. And just to briefly recap, this
37 is a follow-up on the commitment that the Federal Subsistence
38 Board made at last April's joint meeting with the Board and the
39 Chairs. The issue that the Regional Council member Chairs
40 brought up was that they wanted to explore restructuring the
41 Board to add non -- or add additional -- at least one Regional
42 Council Chair to the Board. The criticism being that the
43 current structure of the Board is such that there are no
44 subsistence users on the Board. And the Council Chairs felt
45 that the existing Board members don't have enough awareness of
46 subsistence concerns to have subsistence Board decisions
47 adequately reflect those subsistence concerns.

48
49 So in response to the joint -- to a commitment made at
50 the joint Chair Board meeting, a task force was developed to

00308

1 explore options for restructuring the Board. The task force
2 was composed of Mitch Demientieff and Bill Thomas, from the
3 Southeast Regional Council and then two Board members, Dave
4 Allen from Fish and Wildlife Service and the Forest Service.
5 And their job was to explore options and develop a
6 recommendation to the Board on how to proceed with the concern
7 about restructuring the Board. They did develop options, three
8 options that would allow the Board to retain its regulatory
9 authority. Those options were presented to the Councils at
10 their last meeting. Councils commented on them. The Board
11 reviewed all the Council comments and they -- or the task force
12 reviewed the Council comments and came up with their
13 recommendation at a meeting that they held a couple of weeks
14 ago. Their recommendation was to retain the existing Board
15 structure, but revise the Board process to accommodate the
16 major concerns of the Regional Councils.

17
18 And the bulk of the Regional Council concern was that
19 they were frustrated that they didn't have enough opportunity
20 to participate in Board discussions when the Board's actually
21 talking about proposals. So given that that was the major
22 concern of the Councils, the task force felt that it was --
23 that the problem was a process problem and not a Board
24 structure problem. And what they recommended to the Board was,
25 instead of restructuring the Board, restructure the process to
26 allow the Regional Councils to engage more fully in the Board
27 discussion when they talk about proposals. So if I can just
28 finish, the gist of their recommendation was to add one more
29 opportunity for Regional Council comments during Board
30 meetings, after Board deliberations, right before Board action.

31
32 MR. FLEENER: Bill Thomas agreed to this?

33
34 MS. DETWILER: Yes. Yeah, he did. In fact, I think he
35 was the one who, after hearing the Regional Council comments
36 said that it was probably a process problem. And he, in fact,
37 wrote a three page statement articulating the responsibility of
38 the Board to be responsive to subsistence users and also the
39 opportunities for Councils and subsistence users to participate
40 in the process. And his paper was just completed and I guess
41 it didn't make it to this meeting, but it will be sent out to
42 you and he endorsed the idea.

43
44 MR. FLEENER: I was just surprised because I was
45 involved in some of the talks dealing with Board restructuring
46 and we didn't talk a whole lot about -- there was a little bit
47 of concern that once you were heard you weren't going to get
48 heard again.

49
50 MS. DETWILER: Um-hum.

00309

1 MR. FLEENER: But it seemed to me that most of the
2 concern was that they -- the Chair -- all of the Chairs figured
3 that the people that are making these decisions should have a
4 little bit more knowledge about subsistence uses. All of the
5 things that we're required to understand and know to become
6 members of these Councils, we figured that they should also
7 have these criteria.

8
9 MS. DETWILER: Um-hum.

10
11 MR. FLEENER: And I'm just surprised to hear that
12 that's no longer a discussion topic.

13
14 MS. DETWILER: Yeah. I don't think it was part -- I
15 don't think they dismissed that. I think their way of
16 addressing that was in response to what the Council said when
17 they reviewed the three options. They said their main
18 frustration was not being part of the Board discussion and not,
19 per se, part of the voting. You might want to talk about it at
20 the joint Chair.....

21
22 MR. FLEENER: Has it gone back to the joint Chairs.....

23
24 MS. DETWILER: No, not yet. But you could talk about
25 it in May, I guess, when you guys meet.

26
27 MR. FLEENER: All right, thank you.

28
29 CHAIRMAN MILLER: Anymore questions?

30
31 MR. MATHEWS: Well, if there is none, that would bring
32 you up to the request for consideration and special action
33 policies, and I think Rosa's doing that. And that's under Tab
34 V also, I believe.

35
36 MR. P. TITUS: Tab what?

37
38 MR. FLEENER: V, Victor.

39
40 MR. MATHEWS: V.

41
42 MS. MEEHAN: I'll cover this kind of quickly. There is
43 a procedure within our regulations to address proposals that
44 happen out of cycle. In other words, if there is a need to
45 look at a specific proposal to deal with an emergency
46 situation, we can deal with it under a special action. And
47 what we're finding is every now and again we'll get a special
48 action sent into the office that really there's not an urgent
49 matter that needs to be addressed, but that it could be handled
50 during the regular cycle. And so part of this policy addresses

00310

1 that and specifies that a special action will be accepted to
2 look at a temporary change if it is an unusual and
3 significantly -- a significant event that needs to be dealt
4 with out of cycle. And so it just gives some direction on how
5 we'll handle special actions.

6
7 And to show -- there was -- we did receive a special
8 action this fall that dealt with moose out on the Alaska
9 Peninsula and it was an issue that did not need to be -- it
10 pertained to a season that would happen later this fall; in
11 other words in fall of '98. And therefore, it was something
12 that did not need to be dealt with in January of '98, we could
13 just roll it into the process and so that's what we did, is we
14 just rolled it into the process. And so all we're doing by
15 this policy is just notifying everybody that that's how we're
16 going to handle things.

17
18 But if there is a situation where there is, for
19 instance, we just dealt with a special action that had to do
20 with -- we're in the middle of a special action that would have
21 to do with a request for a moose harvest out in the Bristol Bay
22 region and it's based on -- first of all there's a much greater
23 number of animal -- of moose in the area than was previously
24 thought and those villages were extremely hard hit by the big
25 salmon -- the non-salmon happening last year and so they're
26 suffering just a straight out food hardship. And so they put
27 in a request for a special hunt to help address some very
28 pressing needs. And that's a special action that's being
29 handled right now. So that's just to give you an example of
30 the sort of thing that the Board will look at out of cycle.

31
32 The other type of action that comes in, requests for
33 reconsideration and we receive these primarily from the State.
34 And a request for reconsideration is when some entity has --
35 questions a decision made by the Board and they want the Board
36 to reexamine the decision they made. And what we found is that
37 in many cases the request for reconsiderations are based on
38 differences in philosophy, if you will, they're differences in
39 interpretation of how the law should be applied. And so what
40 happens is the Board is being asked to reconsider a decision
41 but they're not given any new information or anything different
42 to look at. It's just, we don't like the way you made the
43 decision. And because this sort of action does take up Board
44 time, it takes up Staff time, it ties up the whole process,
45 we've gone ahead and put out a policy that a request for
46 reconsideration will be taken if -- only if it's received
47 within 60 days of when the Board makes a decision; so we've got
48 a time limit on it. And also, that the request for
49 reconsideration needs to be based upon information that was not
50 addressed by the Board in making their decision. And so if

00311

1 it's basically new information or if the Board simply did not
2 account for information when they made their decision and wrote
3 up their justification, then that would be a reason to bring it
4 back in front of the Board.

5
6 So it's being clear to the folks that have to work with
7 the program as to how we can handle these -- basically they're
8 challenges of a decision that's been made. So it's kind of
9 clarifying some of the rules.

10
11 Any questions? Barn dry, I know. Okay, I tried to be
12 short.

13
14 MR. P. TITUS: So moved.

15
16 MR. MATHEWS: The next item is consent agenda. That
17 should be very, very brief because you've already passed an
18 action and I believe have sent a letter to the Federal
19 Subsistence Board supporting the use of consent agenda. So
20 there's just a brief report on that.

21
22 MR. FLEENER: Do we need a report if we basically have
23 approved what.....

24
25 MS. DETWILER: It's up to you.

26
27 MR. FLEENER: Then I don't think we even need a report.

28
29 MS. DETWILER: Nope.

30
31 MR. FLEENER: We've already approved it, no need to
32 talk about it.

33
34 MR. MATHEWS: Well, to make it clear to you that the
35 Chair or representative that goes to the meeting, they'll be
36 laid out how that will be done and all that. So it's not --
37 you will know ahead of time how the consent agenda will be
38 applied and how to pull things off the consent agenda.

39
40 Okay.

41
42 MR. P. TITUS: Where are we?

43
44 MR. MATHEWS: We're in Tanacross.

45
46 MR. P. TITUS: I thought we were in Eagle.

47
48 MR. FLEENER: We were supposed to be.

49
50 MR. MATHEWS: I will handle the next one -- the next

00312

1 two actually. The next one is nominations update, I've already
2 addressed that. I encourage you to get people to apply, we
3 have three seats that are up. The incumbents can reapply,
4 obviously, and then others; we need to increase. The areas
5 within your region where we do not have representation at
6 present, geographically are Eagle and the Parks Highway area.

7

8 MR. FLEENER: Have our incumbents reapplied?

9

10 MR. MATHEWS: They don't have to respond on record
11 but.....

12

13 MR. FLEENER: I know that, I'm just looking for a nod --
14 a nod or a shrug.

15

16 MR. P. TITUS: It's a political secret.

17

18 MR. MATHEWS: The next one, since we're the first
19 region that's meeting in this cycle I don't have a copy of the
20 new member training materials. So unless somebody saw my box
21 around here, I don't know -- you looked at them last year.
22 Mr. Fleener was on the group that reviewed the drafts. You
23 appreciated the new materials and the structure. So somehow or
24 another we will get you a final copy of that. And if there's
25 any questions on that just let me know but you'll be getting a
26 copy.

27

28 Okay, that leads us down to agency reports.

29

30 MR. FLEENER: There ain't too many of them left.

31

32 MR. MATHEWS: Well, let's go down the list because we
33 don't want to cause, you know, someone that may have. Is there
34 any Native Corporations, Village Tribal, Tanana Chiefs, et
35 cetera that would like to comment; agency reports? We have to
36 watch that we don't because som -- there's been complaints at
37 other meetings.

38

39 National Park Service, do they have any agency reports
40 at this time? Nope.

41

42 Bureau of Land Management usually does?

43

44 UNIDENTIFIED VOICE: We don't today.

45

46 MR. P. TITUS: No they don't.

47

48 MR. FLEENER: You did yesterday though.

49

50 MR. MATHEWS: Okay, I'm going to jump out of this cycle

00313

1 here just to -- because I know there is an important one coming
2 up. Does the Alaska Department of Fish and Game have any
3 reports, topics to bring up? And I haven't instructed the
4 State -- the Federal agencies have been, we're trying to
5 structure a program in fall where concentrating on agency
6 reports. And at this meeting if there's a real important item
7 that needs action or needs attention of the Council they would
8 bring it up at this time. Not to cutoff Bob or Greg.

9
10 MR. FLEENER: Actually I've asked Bob to give us a two
11 hour talk on bison.

12
13 MR. GOOD: He refused though, fortunately.

14
15 MR. STEPHENSON: Mr. Chairman, thank you. Just two
16 minor things. One would be that we did a moose census in 25(D)
17 east last year -- last fall in the Ft. Yukon area. Abundance
18 was maybe a little lower, but not significantly lower than
19 before, but we did have a very poor year for calf survival,
20 probably related to a flood on the Black River in June, just a
21 small thing. And I would ask Craig Fleener here, whether you
22 think it's important to -- as a point of information for your
23 Council to talk about what's coming up with regard to intensive
24 management and the Board of Game and some decisions that
25 they're going to start trying to work through relative to
26 Senate Bill 77? It may be of interest to people in rural areas
27 to know anything about that process and I could try to describe
28 it if you think it's worthwhile?

29
30 MR. FLEENER: Sure. This would be the time to do it.

31
32 MR. STEPHENSON: Shucks. As you know, the Senate Bill
33 77, it was passed in the legislature and it is the result of
34 sort of the ongoing controversy and battle over predator
35 control in Alaska, management for abundant versus management
36 for status quo. And the frustration on one side that we
37 haven't been able to manage in certain areas the way some
38 people in the public think we should has led to some
39 legislation to identify those areas where the production of
40 ungulates is important -- or of high levels of ungulates for
41 human use is important. And to then put in place management
42 plans and management actions that will maintain those
43 populations at levels approaching carrying capacity or to where
44 the benefit for people is high.

45
46 And so I believe in the March meeting the Board will
47 start. They're having a meeting in March in Fairbanks. The
48 Board will start trying to access and looking at historic
49 population levels, habitat potential and historic use levels to
50 -- and in combination with land status, policies, access and

00314

1 other things to decide where they should try to prioritize
2 active management efforts in the future. And then probably ask
3 the Department and public to put together plans, agree on
4 population goals for the areas they identify for active
5 management. And there are some places in the state where,
6 well, say moose in 26(C), maybe it's just a few hundred moose,
7 a few little pockets of habitat, pretty inaccessible country,
8 you probably wouldn't want to spend a lot of money trying to
9 maintain those moose, you know, to manage them at a high level.
10 Areas near the road system that are terrific moose habitat but
11 have low densities there, it might be cost effective to, you
12 know, be a public benefit to do it. So they're trying to start
13 going through that this spring. And just so you know that
14 there may -- you might want to -- there is a proposal in our
15 proposal book relating to intensive management designations.
16 In the green book, I don't see it around here.

17
18 MR. MATHEWS: I have a copy, but I only brought one.
19 He's referring to the Board of Game proposals.

20
21 MR. STEPHENSON: There again, I guess it's a management
22 kind of issue now, the subsistence issue. But on the other
23 hand it's -- I don't know where it will lead exactly.

24
25 MR. FLEENER: It deals with the food we eat.

26
27 MR. STEPHENSON: Yeah.

28
29 MR. FLEENER: What sort of public comment is available?
30 Are they going to have public comments on this and are area
31 biologists going to go into the communities and talk to them
32 about the importance of these resources to them?

33
34 MR. STEPHENSON: Yeah, well, I think the way it's going
35 to work is that we are setting up, just very brief, work sheets
36 for the Board on habitat potential, historic use levels,
37 estimated harvest, estimated demand for areas. For instance in
38 25(D) west, we have a low moose population, we have a harvest
39 pretty much limited to three communities and even they could
40 use more moose. So we're bringing all that up, you know, for
41 the Board to kind of look at. But it isn't like the decisions
42 they make in March are going to be the end of it all, they're
43 just going to start probably picking out some that are pretty
44 obviously places to go. There may be some that are kind of --
45 they may not know what to do with in the middle and then
46 there'll be some that they probably are going to be way down
47 the list because they're so inaccessible or whatever.

48
49 And then if -- but part of the -- the thing is, I think
50 not only is part of it the law and the formula and what the

00315

1 Board thinks, part of it is what communities want to do. And
2 you know, we've talked on the Yukon Flats for instance for some
3 years about and debated and people -- the communities debate
4 some, should we really get serious and really try to move this
5 population up from its low level in what appears to be really
6 good habitat or should we leave it at some modest low level and
7 just kind of limit the use and call it a day. But there's
8 going to be an opportunity because it'll probably be a year or
9 two from -- or two years between this Board meeting and the
10 next Interior Board meeting when we'll kind of have our
11 marching orders on what we're supposed to develop to bring back
12 to them in the meantime.

13
14 MR. MATHEWS: Is that effort going to be -- obviously
15 it's going to be coordinated with the land owners, i.e.,
16 Federal, this development of plans for areas or is it just
17 going to be on State lands?

18
19 MR. STEPHENSON: I think it could -- depending, you
20 know, with resident mammals, it could be a lot of different
21 lands, but obviously the land ownership and their preferences
22 and mandates has a whole lot to do with whether, you know, the
23 State would want to undertake active management there.

24
25 MR. MATHEWS: Well, I suppose what I'm getting at is
26 most of the members that are present here are on local advisory
27 committees that this issue, you may want to track, and then
28 when you feel it's necessary to bring it to the Federal level
29 for involvement, then it would be to discuss the opportunity of
30 having a representative from this Council to see if that could
31 be plugged into this process.

32
33 MR. STEPHENSON: Yeah. I think in the next.....

34
35 MR. MATHEWS: But it would have to be dictated that
36 it's on Federal land and that's why I'm asking that? And there
37 are a lot of Board of Game proposals that I -- it's something
38 we're going to have to look at down the road, meaning, how do
39 we structure into their program. Because many of the
40 committees structure into our program, the Federal program, but
41 we're not really reviewing Board of Game proposals that
42 directly effect their area. But there's not time to do that
43 today, but I mean.....

44
45 MR. STEPHENSON: There are a series of advisory
46 committee meetings in the Interior coming up here in the next
47 few weeks before the Board meeting, so this will be a subject
48 there also.

49
50 MR. FLEENER: Thank you.

00316

1 MR. MATHEWS: Okay. The last agency -- unless Mr.
2 Gardner wanted to -- oh, it looks like he does.

3
4 MR. FLEENER: Talk about wolves.

5
6 MR. GARDNER: Actually Chuck asked me to talk about
7 some of the proposals under the State side, but I think I'll
8 wait and just talk with him and Lee and Nat about that, you
9 know, just between us because it doesn't really pertain to most
10 of you.

11
12 But the one thing I wanted to point out actually was in
13 the Wrangell-St. Elias booklet. There's -- and this is just an
14 idea, I was actually reading it when Janice was giving her
15 report. And a section of it I thought was kind of interesting
16 because it's the section that deals with waterfowl hunting, and
17 basically there's no waterfowl hunting legal in Wrangell-St.
18 Elias. In fact, I guess no park in the state.

19
20 UNIDENTIFIED VOICE: I don't think so.

21
22 MR. GARDNER: Which I find kind of interesting and the
23 reason why, and correct me Janice if I'm wrong, the way I
24 interpreted it is that they need a legal decision basically to
25 hunt migratory birds, which seems kind of strange to me since
26 all western Alaska, northern Alaska, you know, they're fairly
27 hunted. So a thought came to me that is right now it's -- you
28 haven't actually seen some proposals, but the advisory
29 committee from here has actually submitted numerous proposals
30 to open up waterfowl hunting in Wrangell-St. Elias and they've
31 never made it to the Council or to the Federal Subsistence
32 Board. And I think it's important that you, as the Council,
33 need to basically write a letter to the Secretary and CC to
34 Wrangell-St. Elias and others to basically get moving on this
35 decision. Because it's.....

36
37 MR. MATHEWS: I have to refer to Lee on that. And I
38 don't have all my files here, but I think the Council did
39 address waterfowl use in Wrangell-St. Elias and supported an
40 SRC position that waterfowl hunting should be within Wrangell.
41 But I don't have all my records here to do that. But you could
42 do like he said, if you desire and if that's there, I would
43 find it and resubmit it. But I believe we did send one to
44 Wrangell?

45
46 MR. FLEENER: Can it go in the annual report?

47
48 MR. MATHEWS: Well, probably somewhere. But I mean
49 we're talking two years, maybe three years we dealt with this
50 Lee.

00317

1 MR. L. TITUS: Um-hum.

2

3 MR. MATHEWS: And I apologize for not having a
4 photographic memory, but I think Janice might remember it. I
5 don't know, I thought we did do something on this because we
6 were asked by Wrangell-St. Elias on this and was briefed on it.
7 And someone said basically what Craig said, it sounds ludicrous
8 why we can't hunt ducks within Wrangell. It's in the pink
9 page?

10

11 MS. MELDRUM: Yeah. It says the Eastern Interior
12 supported the Commission's recommendation in a letter dated
13 March 1996. And their recommendation was to open up, I think a
14 fall Federal waterfowl hunt and spring and summer harvest of
15 migratory birds and eggs.

16

17 MR. MATHEWS: See, my memory is good.

18

19 MR. GARDNER: I guess the reason why I brought it up is
20 because.....

21

22 MR. FLEENER: Moderate anyways.

23

24 MR. P. TITUS: Spotty.

25

26 MR. GARDNER:it comes down to the final point
27 that says the Department of Interior Solicitor is working on
28 the legal analysis. And it seems like a letter was sent in,
29 you know, '96 and now it's '98, and I think a friend of mine, a
30 colleague behind me made a good point, that, a squeaky wheel
31 gets grease. And you know, if they haven't heard anything for
32 two years and if they only hear from the SRC, you know, it's
33 easy to ignore or just stays on a solicitor's desk. But if
34 they get a letter from the Council and the SRC and all the
35 advisory committees, you know, that get surrounded by Wrangell-
36 St. Elias, you know, pretty soon the Secretary's going to get
37 tired of hearing all this and maybe act.

38

39 MR. FLEENER: I'll make a motion that Vince follows up
40 on that letter.

41

42 MR. MATHEWS: Okay, if I understand the motion, is that
43 I would follow-up on this letter. I'll need Janice to tell me
44 where in the book, but follow-up on that letter and then put a
45 cover letter on it saying that this issue is -- the Council
46 is.....

47

48 MR. FLEENER: We're darn unhappy that it hasn't been
49 sent back to us yet.

50

00318

1 MR. MATHEWS: Let's see how can I get that, we're.....

2

3 MR. FLEENER: Darn unhappy.

4

5 MR. MATHEWS:displeased.

6

7 MR. L. TITUS: The actions were taken two years ago and
8 we still have never received a response from the Secretary on
9 Interior.

10

11 MR. MATHEWS: And that would be directed to the
12 Secretary of Interior, is that the motion?

13

14 MR. L. TITUS: Right.

15

16 MR. MATHEWS: And copied to the Regional director of
17 the Park Service and to the superintendent.....

18

19 MR. FLEENER: And the SRC.

20

21 MR. MATHEWS:and the SRC, okay, thank you.

22

23 MS. MELDRUM: And the solicitor.

24

25 MR. MATHEWS: The who?

26

27 MS. MELDRUM: The solicitor.

28

29 MR. MATHEWS: The solicitor general -- no, just the
30 solicitor. All right, and then that.....

31

32 MR. FLEENER: Question.

33

34 MR. MATHEWS: Okay, thank you.

35

36 CHAIRMAN MILLER: All in favor.

37

38 IN UNISON: Aye.

39

40 MR. MATHEWS: Okay.

41

42 CHAIRMAN MILLER: Other agency comments.

43

44 MR. MATHEWS: Last but not least, and this is an
45 important issue. It's actually an excellent lead-in into the
46 issue. First off, I think because of time, Fish and Wildlife
47 Service wanted to give you a brief update on the Migratory Bird
48 Treaty Amendment, it's a new regulatory process.

49

50 MS. MEEHAN: Yeah.

1 MR. MATHEWS: And I think all the other refuge staff
2 has either left or getting ready to leave but they may want to
3 say something. But the Migratory Birds, we've kept you updated
4 on what's happened and we'll continue to push and do that. And
5 Rosa will be.....

6
7 MS. MEEHAN: I'll just run through this, if you've got
8 questions, ask. I mean we all know that spring subsistence
9 hunting for waterfowl has gone on, it's traditional practice.
10 And there has been a very serious attempt to try and legalize
11 this. And it -- but it was one of those difficult deals
12 because it required amending the treaties both with Canada and
13 with Mexico. That has happened. And there is a -- a protocol
14 has been signed between Canada's minister as well as with
15 Mexico, and the protocol amendments allow spring waterfowl
16 harvest.

17
18 Those protocols were finally ratified by the Senate in
19 October last year, so this allowed the start of a process to
20 legalize spring harvest. The important thing that I wanted to
21 share with you is that ratification of the protocols does not
22 automatically make the spring harvest legal. That before it
23 can be legal there have to be regulations developed and put in
24 place. And so in the meantime, the closed season policy, in
25 other words, a status quo will be in effect.

26
27 One of the questions that has come up in terms of
28 implementing migratory bird regulations has been whether or not
29 the Council's would be the management bodies that would review
30 the migratory bird regulations and these Regional Councils will
31 not be the management bodies. There will be a new management
32 structure established. And there's a process that's starting
33 to outline what those management bodies should be and to gather
34 input. And hopefully, you all will be receiving, by the
35 beginning of summer a mail -- an informational mailing on this
36 process that will request individual input into how these
37 management bodies could be structured.

38
39 Part of the reason the management will be different
40 than what we're doing with mammals and with fish, what we're
41 proposing to do with fish, is that the protocol amendments
42 require that the management bodies include Native, Federal and
43 State of Alaska representatives and that those management
44 bodies have to fit within the fly-away structure. We're
45 talking largely about ducks and geese that work up and down
46 fly-aways. There's a very complex process built around fly-
47 away management councils. And so anything that's done up here
48 on the breeding grounds has to fit within this existing
49 management structure.

00320

1 So the important message that I wanted to make sure we
2 got out was that first of all, this spring, the hunting
3 restrictions are status quo. The second thing is that there is
4 the process to establish the management bodies and then get
5 regulations in place has started and that you'll be receiving a
6 mailing about it and a request for involvement by the beginning
7 of the summer. And then the third thing is that we expect that
8 the whole process will take about two years to define the
9 management bodies and get regulations in place.

10
11 Craig.

12
13 MR. FLEENER: Mr. Chairman.

14
15 CHAIRMAN MILLER: Go ahead, Craig.

16
17 MR. FLEENER: When could we start submitting proposals?

18
19 MS. MEEHAN: It's going to be about two years.

20
21 MR. FLEENER: Before we can submit proposals?

22
23 MS. MEEHAN: Well, see the thing is it's going to be a
24 little bit different with migratory birds because with these
25 programs we had State regulations to start from. And with
26 migratory birds they don't. I mean they don't have anything to
27 start from. And so actually as a part of this built into this
28 two year process will be actually writing the regulations. So
29 that's where it would come in.

30
31 MR. FLEENER: Well, don't you think we basically have a
32 framework setup considering that we do harvest ducks and geese?
33 We would just have to alter the seasons.

34
35 MS. MEEHAN: But you have to write it down. Yeah, I
36 mean, yeah, basically that's true.

37
38 MR. FLEENER: Basically we'd only be altering seasons?

39
40 MS. MEEHAN: That's -- yep. But it's got to be put
41 down and that's something that will have to be done as part of
42 this two year process.

43
44 MR. FLEENER: Wouldn't it be worth considering that the
45 Regional Councils working with their communities, could come up
46 with framework of spring seasons and bag limits for this where
47 it wouldn't take so long?

48
49 MS. MEEHAN: I think there's always going to be an
50 avenue for the Regional Councils to give input into this

00321

1 process. And that's -- I mean that avenue's open. But it's
2 real clear that the final management bodies that are going to
3 be the people that will review proposals and make
4 recommendations on it will not be these Regional Councils. And
5 it's because of the way migratory birds are managed nationally.
6

7 MR. FLEENER: So we could have a board made up of a
8 couple people from Alaska, a couple people from Canada, the
9 Lower 48 maybe and Washington?
10

11 MS. MEEHAN: No, that -- that.....
12

13 MR. FLEENER: I mean, what's that other country,
14 Mexico, yeah, that's it.
15

16 MS. MEEHAN:that structure is already in place,
17 those are the Fly-away Councils. And the migratory -- right
18 now the way migratory bird regulations are set is the Fly-away
19 Councils look at the whole suite of issues related to migratory
20 birds all along the fly-aways.
21

22 MR. FLEENER: Um-hum.
23

24 MS. MEEHAN: And they make recommendations to the Fish
25 and Wildlife Service regulations committee, who then make
26 recommendations to the director of the Fish and Wildlife
27 Service. What this process is proposing is to establish a
28 group, within Alaska, that would be made up of Alaskans that
29 would then make recommendations to the Fly-away Councils, but
30 also to the service regulations committee.
31

32 MR. FLEENER: Do we have any representatives on these
33 Fly-away Councils now from Alaska?
34

35 MS. MEEHAN: That will be incorporated.
36

37 MR. FLEENER: But do we.....
38

39 MS. MEEHAN: Yes, we do have representatives right now.
40 We have a waterfowl coordinator from the State Department of
41 Fish and Game, that's Tom Rothey, and we also have a migratory
42 bird coordinator from the Fish and Wildlife Service and
43 that's.....
44

45 MR. FLEENER: So these are not individuals, these are
46 employees of agencies?
47

48 MS. MEEHAN: They're agency representatives. And
49 they're agencies that have specific regulatory
50 responsibilities. There is a migratory bird working group that

00322

1 is made up of Native representatives and I'm trying to think of
2 who's on that from the Interior and I'm blanking on the name.

3

4 MR. MATHEWS: Well, it used to be George Aska, but I
5 don't know if he still is and maybe Gabe Sam.

6

7 MS. MEEHAN: I don't know. No, it's not Gabe Sam. I
8 know George was on there.

9

10 MR. FLEENER: They must not come to the villages too
11 often because I've never head of it. Have you heard of it?

12

13 MR. MATHEWS: Well.....

14

15 MS. MEEHAN: The place where this issue has been really
16 intense and it does get a lot of press is out on the Yukon-
17 Delta. And that's -- there's Myron Naneng is on the waterfowl
18 group and one of the Hobsons is from the North Slope. And -- I
19 mean, I'm sorry, it's Charlie Brown from the Slope is on it.

20

21 So at any rate there is now going to be a major effort
22 to get information out to everybody. In other words to take it
23 out of this group that's been so involved in it, broaden --
24 just broaden the information out to everyone and seek
25 involvement of everybody in working this issue out. So it's --
26 this is just sort of a status report. More coming.

27

28 MR. FLEENER: So we got to poach again this.....

29

30 MR. P. TITUS: Yeah.

31

32 MS. MEEHAN: I didn't hear that.

33

34 MR. GOOD: Will this also be limited to Federal lands
35 or.....

36

37 MS. MEEHAN: No.

38

39 MR. GOOD:it will be statewide?

40

41 MS. MEEHAN: No, this is statewide.

42

43 MR. GOOD: Good.

44

45 MS. MEEHAN: Yeah.

46

47 MR. MATHEWS: And that's probably one of the reasons
48 why the Councils weren't used and plus you answer to ANILCA.
49 And it's just cleaner.

50

00323

1 MS. MEEHAN: Yeah. So.....

2

3 MR. MATHEWS: Okay. I think there may be.....

4

5 CHAIRMAN MILLER: Anymore questions?

6

7 MR. MATHEWS:some comments from the Refuge --
8 Tetlin Refuge and possibly Greg McClellan.

9

10 MR. VOSS: Yeah. We submitted a letter that talked
11 about agency reports, which is fine, that will stand by itself,
12 along with the photos and some of the things, activities that
13 occurred. But since there was some comment on LPPs, Land
14 Protection Plans, I just kind of update you as far as Tetlin is
15 concerned, where we are in the process. And that's basically
16 still in the fact finding process. We're developing maps that
17 outline habitat wildlife, where they're -- what's important,
18 what's important priorities. We're ground truthing it in the
19 field and with like, our traditional knowledge workshop with
20 the local people as to really what and where the wildlife are
21 important. And at that point in time, prior to any reg book or
22 any other thing that you receive will go out to the Councils
23 and the communities and talk about process and how it fits in
24 to, hopefully with what the Refuge wants to do. How it wants
25 to conserve fish and wildlife and we'll go from there.

26

27 MR. FLEENER: And what colors to use on the maps.

28

29 MR. VOSS: And what colors to use on the maps and
30 things like that. And we took to heart your questions about
31 in-holders and a lot of the tone and.....

32

33 MR. MATHEWS: And in appreciation to the Tetlin Refuge,
34 they did submit a written report, it's under Tab 11. That's
35 kind of what we've been questing for streamlining -- I mean W,
36 and I apologize that through the rush, he's being quite a
37 gentleman to not go through point by point. But it is here and
38 I encourage you to look at that because that's kind of the
39 structure we would like to start doing, not meaning that we
40 don't want to hear from them personally but they would get down
41 the key points on a piece of paper so that you could be
42 prepared ahead of time. So, if for example, Chuck Miller, has
43 a concern about Item number 4, he could call the Refuge ahead
44 of time or he could call his local contacts in the area and
45 say, well, what's this about monitoring of the such and such a
46 herds. So I definitely want that conveyed to you that this is
47 very helpful to do this and they're one of the first in the
48 area to do it.

49

50 And it's not easy to do either because you're, you

00324

1 know, it's saying ahead what you're going to speak about.

2

3 MR. McCLELLAN: Greg McClellan with Yukon Flats and
4 Arctic Refuge. I have just a couple quick things on the same.
5 I wasn't quick enough to get it to Vince to get in the book but
6 I have a summary for the Yukon Flats and the Arctic to handout
7 or if people are interested to get it.

8

9 The other quick thing I wanted to mention is I can't
10 say there was a definite correlation but I wanted to thank the
11 Council at the last Regional Advisory Council meeting, you had
12 passed a motion to support our Refuge to get funded for a study
13 for a moose/calf mortality study and we did get funding for
14 that. And we're going to be starting that in the 25(B) west
15 area. In March we'll capture some cows and then in May we'll
16 capture and radio-collar some calves.

17

18 I just wanted to mention those two things quickly. And
19 then at the beginning of the meeting Craig had asked about an
20 overview of an LPP, and I don't know if we want to continue
21 that or like Vince suggested, make that an agenda item for the
22 next meeting, but if you want I can make a few quick comments
23 on that.

24

25 MR. MATHEWS: For those, that's the Land Protection
26 Plan. I mean it would be good to -- if you want it for the
27 next meeting to convey it to them. The other option would be
28 is that those that are directly effected be consulted and bring
29 a report in, whatever you want.

30

31 MR. FLEENER: Why don't we let him talk for about five
32 minutes so we can get a basic understanding and then have a
33 detailed -- it's up to you, you're the official Chair while
34 he's gone.

35

36 MR. MATHEWS: Well, maybe the option there would be to
37 -- not to make more work for Greg, would be to -- they must
38 have somewhere a central thing that explains what Land
39 Protection Plans do that could be either made or crystallized,
40 not the details on the Flats, and that be sent to you for your
41 review so you'd be better prepared what a Land Protection Plan
42 does and then you would see how it's applied to Yukon Flats.
43 And I don't know when Tetlin -- I didn't catch that, I was
44 taking notes, if they have theirs -- or Arctic or whatever.
45 That might be a way to go, because I know Greg would make it
46 like he did in the report there, just kind of bulleted what a
47 Land Protection Plan does.

48

49 MR. FLEENER: Well, if they do send -- if they do write
50 something up and send it, I'd like to get it as soon as

00325

1 possible. I know that in the past we've made some requests and
2 -- for certain things and didn't receive them, like.....

3

4 MR. MATHEWS: I assume it's doable, I'm.....

5

6 MR. FLEENER:we requested a budget at one time.

7

8 MR. MATHEWS:stepping way out of my role here. I
9 don't know is that doable?

10

11 MR. McCLELLAN: Yeah, I think so.

12

13 MR. MATHEWS: And that would be distributed to all
14 Regional Council members and I -- you know, if you anticipate
15 that need, Craig, that it needs to go further, talk to him and
16 he could maybe distribute further to others, then that would be
17 under your lead on that. Since there is quite a bit of concern
18 on the Flats on that particular Land Protection Plan.

19

20 MR. GOOD: That makes sense.

21

22 MR. MATHEWS: Well, I don't know of any other reports
23 unless somebody wants to report. Okay, then we come up to the
24 meeting location and time. You need to go to Tab -- oh, gosh,
25 I don't remember the tab.

26

27 MR. GOOD: The last one.

28

29 MR. MATHEWS: X, Y, Z. That's the window of
30 opportunity. The window starts September 8th, it closes.....

31

32 MR. GOOD: Moose season.

33

34 MR. P. TITUS: Moose season until the 20th. Nothing is
35 open until the 20th.

36

37 MR. MATHEWS: Well, I know Rosa caught that, too.

38

39 MR. GOOD: How about the first week in October?

40

41 MR. MATHEWS: Generally for the Interior regions
42 there's no reason to put the September dates down there, but
43 whatever. We need to do like we did in the past, select a
44 window, a week, when you think you could meet. I think we need
45 to get two or three locations of where you would like to meet
46 and why and then we can start planning with that.

47

48 MR. L. TITUS: Since we're going to have to deal
49 with.....

50

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1 UNIDENTIFIED VOICE: Go to Eagle.

2

3 MR. L. TITUS: Well, I don't know if we are, are we
4 going to deal with the Eagle thing?

5

6 MR. MATHEWS: The what thing?

7

8 MR. L. TITUS: Eagle.

9

10 MR. MATHEWS: No, Eagle would be just resubmitting
11 proposals. It would not be a time for them -- for you,
12 actually to do anything at that.

13

14 MR. L. TITUS: Okay.

15

16 MR. MATHEWS: Eagle would be better to deal with a year
17 from now.

18

19 MR. P. TITUS: Mr. Chairman, we'll meet in Minto for
20 next fall.

21

22 MR. FLEENER: I second.

23

24 MR. P. TITUS: Sometime in October.

25

26 MR. FLEENER: October 4th or 10th, that might not be
27 pretty.....

28

29 MR. P. TITUS: I'm still in the boat the first weekend
30 in October.

31

32 MR. MATHEWS: It is critical to set a week that's kind
33 of important. Because what's going to happen when these go
34 back to the office, other regions are going to start
35 overlapping and someone's got to give. So you know, just try
36 to select dates that are really important to you.

37

38 MR. L. TITUS: The first part of October sounds good.

39

40 MR. P. TITUS: Between the 28th and the 2nd would
41 probably be good.

42

43 MR. L. TITUS: I thought the last meeting place was
44 supposed to be in Minto, did it change somehow?

45

46 MR. P. TITUS: Ask Vince.

47

48 MR. FLEENER: Yeah, ask Vince about that.

49

50 MR. GOOD: No comments, no comments.

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1 MR. MATHEWS: Well, yes, it was supposed to be in
2 Minto, but do to the activation with fisheries coming up.....

3
4 MR. P. TITUS: Yeah, yeah.

5
6 MR. MATHEWS:we needed to move.

7
8 MR. FLEENER: So you decided to do it here so we could
9 discuss fisheries.

10
11 MR. P. TITUS: Because a lot of fish come up the.....

12
13 MR. MATHEWS: But we need to make it clear, is the
14 understanding now that Minto would be the next location?

15
16 MR. P. TITUS: Yes.

17
18 MR. GOOD: Agreed.

19
20 MR. MATHEWS: What week or weeks would you like to
21 select? The first week of October there seems to be a conflict
22 with the rural providers.

23
24 MR. FLEENER: The 28th.....

25
26 CHAIRMAN MILLER: I could be flexible.

27
28 MR. MATHEWS: The other option I'm hearing is the last
29 week of September.

30
31 MR. P. TITUS: After freeze-up.

32
33 MR. FLEENER: October 12-16.

34
35 MR. L. TITUS: Yeah, that sounds good.

36
37 MR. P. TITUS: After freeze-up.

38
39 MR. MATHEWS: Do I understand October 12th through 16th
40 in Minto then?

41
42 CHAIRMAN MILLER: Yes.

43
44 MR. MATHEWS: We need a second location.

45
46 UNIDENTIFIED VOICE: Venetie.

47
48 MR. MATHEWS: No problem, that's an option, Venetie
49 could be the second, but your member is not here. But you
50 know, he could be volunteered. Okay, so first is Minto, second

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1 would be Venetie assuming that they would want us to come,
2 correct?

3
4 UNIDENTIFIED VOICE: Well, of course they would.

5
6 MR. FLEENER: Do you need a third place?

7
8 UNIDENTIFIED VOICE: Fairbanks.

9
10 UNIDENTIFIED VOICE: Healy Lake.

11
12 MR. MATHEWS: No, I'm serious you could go with a third
13 place, Healy Lake, there's lodging. So your third one would be
14 Fairbanks, but only after the other two would be exhausted?

15
16 MR. FLEENER: Yes.

17
18 MR. P. TITUS: Truly exhausted.

19
20 MR. L. TITUS: What about Eagle?

21
22 MR. P. TITUS: Eagle will be next January -- or next
23 February.

24
25 MR. FLEENER: Yeah, next year.

26
27 MR. P. TITUS: The winter meeting will be in Eagle.

28
29 MR. MATHEWS: Okay, unless I'm missing something
30 here.....

31
32 MR. FLEENER: I don't want to meet in Fairbanks if
33 that's -- well, I don't want to argue.

34
35 MR. MATHEWS: I don't know of any other topics that
36 need to be brought up at this time.

37
38 MR. L. TITUS: Move to adjourn.

39
40 UNIDENTIFIED VOICE: Second.

41
42 CHAIRMAN MILLER: All in favor.

43
44 IN UNISON: Aye.

45
46 (END OF PROCEEDINGS)
47 * * * * *

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the
State of Alaska and Reporter and Owner of Computer Matrix, do
hereby certify:

THAT the foregoing pages numbered 168 through 328
contain a full, true and correct Transcript of the Eastern
Interior Federal Subsistence Regional Advisory Council,
Volume II, meeting taken electronically by Annalisa DeLozier on
the 19th day of February, 1998, beginning at the hour of 9:00
o'clock a.m. at the Tanacross Community Hall, Tanacross,
Alaska;

THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed by my
firm to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party
interested in any way in this action.

DATED at Anchorage, Alaska, this 26th day of February,
1998.

JOSEPH P. KOLASINSKI
Notary Public in and for Alaska
My Commission Expires: 04/17/00